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SOCIAL AND PRIVATE LIFE AT ROME IN THE TIME OF PLAUTUS AND TERENCE

BY
GEORGIA WILLIAMS LEFFINGWELL

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To

THE MEMORY OF

PROFESSOR GEORGE WILLIS BOTSFORD

AT WHOSE SUGGESTION THIS WORK WAS BEGUN AND WHOSE
KINDLY GUIDANCE AND HELPFUL CRITICISM
MADE POSSIBLE ITS COMPLETION

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INTRODUCTION

To assemble as far as possible the source evidence on social and private life at Rome during the first half of the second century B. C., and from this evidence to draw certain conclusions which will give a clearer understanding of the habits of thought and the feelings of the average citizen of the time is the purpose of this study.

While literary sources for Roman life in this period of the Republic are less available than for the Ciceronian age or for the Empire, a knowledge of the earlier period is of importance not only for its own sake as a critical moment in the history of Graeco-Roman civilization, but as a basis for comparison with later developments. The very fact of the scarcity of material and the consequent lack of information in regard to this subject may be given as the chief reason for the present work.

Roman life in the Imperial period has received a large amount of attention and been treated in exhaustive detail by modern writers, but the question of Roman life in the period of the Republic has been comparatively neglected. Warde Fowler in his *Social Life at Rome in the age of Cicero* embodies in his chapters a series of delightful sketches of conditions at the close of the Republican period, but the book throws little light on the century preceding the Ciceronian age, and in any case is of little value for reference purposes. The larger works on Roman life, such as Marquardt's *Privatleben der Römer,* devote some attention to Republican conditions. The statements, however, are scattered and more or less general, and the source references given are far from complete.

Contemporary literary sources for the period consist of the *Histories* of Polybius, the *De re rustica* of Cato, but most important, the dramatic works of Plautus and Terence. Any use of the plays of these two authors, as a source, necessarily involves a careful consideration of the question how far the material of the comedies is Roman, and how far it is simply a reproduction of the Greek, a fact which explains perhaps more than any other the absence of modern works dealing with the Roman life of that age.

The generally recognized intermingling of both Greek and Roman elements in the comedies has resulted in a rather confusing habit on the part of many writers. The plays are drawn upon indiscriminately to illustrate or affirm various points of either Greek life or Roman life without any systematic attempt to define the reason for this arbitrary choice.

Modern writers differ in their judgment, but the general impression would appear to be that the plays are so largely Greek that they are of comparatively little value for information on Roman life and habits. Sellar voices this sentiment in the definite statement that Plautus "had no intention of presenting to his audience the outward conditions of Roman or Italian life." In support of this he emphasizes the absence of all gentile designations among the richer personages of the comedies as in itself a sufficient proof.[1]

The explanation, however, of this absence is both possible and easy. The contemporary poet was given very little license along certain lines. To mention Roman citizens by name or to allude to specific *gentes* involved considerable risk, *vide* the imprisonment which overtook the poet Naevius for his attacks on the Metelli. Doubtless it was safer and

[1] Sellar, *Roman Poets of the Republic* (Oxford, 1905), p. 169.

more advisable, therefore, to avoid as far as possible any reference which might possibly be interpreted as a libelous reflection upon some sensitive citizen, and to adopt the avenue of safety offered by setting the scene ostensibly far from Rome.

Wallon, who draws extensively on Plautus as a source for Roman conditions, apparently has much this idea in mind when he says: "Le peuple romain voulait bien qu'on le jouât, mais seulement sous le costume grec; et il ne se fâchait pas de voir soulever un coin du manteau, quand le rideau allait couvrir la scène." [1] The choice of the spot in which the action took place, moreover, did not rest entirely with the poet. As Oldfather tells us, "so far were the police from allowing the dignity of a Roman citizen to be diminished that, to all appearances, not even the *fabula togata* might be set in Rome, but only in some town of the Latin Confederacy." [2]

The second argument of Sellar is based upon the fact that there is no distinction in station among the personages except that of rich and poor, freeman and slave, and hence no recognition of "those great distinctions of birth, privilege, and political status, which were so pervading a characteristic of Roman life." This statement will be referred to again in the chapter on "Finance and Industry." It is sufficient to say at this point that the division of the characters of the comedies on a basis of wealth and poverty is a reflection of one of the most striking characteristics of Roman society of the time. To quote from Duruy:

The strife of classes sprang up again, and as in early times the city contained two distinct peoples. If time and law had

[1] Wallon, *Histoire de l'esclavage dans l'antiquité* (Paris, 1879), vol. ii, p. 231.

[2] *Classical Weekly* (1914), Oldfather, "Roman Comedy," p. 218.

almost effaced the distinction between patrician and plebeian, a higher barrier was now rising between rich and poor, the former growing prouder and more insolent, the latter more wretched and submissive.[1]

Furthermore the statement as to the lack of recognition of any political distinctions may be met by a citation of a few of the references in Plautus: *dictator* (*Pseud.* 415-6), *quaestor* (*Bacc.* 1075), *praetor* (*Poen.* 584-5), *aediles* (*Men.* 590), *tresuiri* (*Aul.* 416, *Asin.* 131), *senatus* (*Asin.* 871, *Cas.* 536, *Epid.* 189), *comitia* (*Aul.* 700, *Pseud.* 1232, *Truc.* 819), *praefectura* (*Cas.* 99), *prouincia* (*Cas.* 103, *Capt.* 474), *de foro . . . in tribu* (*Capt.* 475-6), *patriciis pueris* (*Capt.* 1002).

Legrande brings up another point of objection when he says: "De fait, les scandales et les exploits gallants qui en sont de frequents épisodes, les courtisanes, prostitueurs, parasites, artistes en cuisine qui y jouent communément un rôle devaient être, durant le IIe siècle avant notre ère, presque ignorés à Rome". This argument, however, is very clearly not supported by fact. Numerous references from the sources attest indubitably that such conditions were in the most striking way characteristic of the Rome of the time. Compare the passage of Polybius describing the average Roman youth wasting himself "on favorite youths, . . . on mistresses, on banquets enlivened with poetry and wine, and all the extravagant expenditure they entailed." Compare the statement of Livy "then the cook, whom the ancients considered as the meanest of their slaves, both in estimation and use, became highly valuable, and what was considered as a servile office began to be considered as an art." Compare the complaints of Cato that it was difficult to

[1] Sellar, *loc. cit.*; *cf.* Duruy, *History of Rome* (Boston, 1890), vol. ii, sec. i, p. 260.

save a city in which a fish was dearer than an ox, or in which a cook brought a higher price than a horse.[1] Judging from their attitude we can hardly agree with Legrande that the elements he refers to were "presque ignorés à Rome" in the second century B. C.

It is undeniable that there is much in the plays that is without question Greek, but this may be taken in part as evidence that the Roman public of the time had made considerable progress in the knowledge of the Greek language and had even acquired a certain amount of Hellenic culture. Greek titles, Greek words in the text itself, Greek endings attached to Latin roots such as *ferritribaces* (*Most.* 356), legends of Greek mythology (*Bacc.* 275, *Merc.* 469, *Men.* 745, *Stich.* 305) are introduced not with any explanation but simply as casual allusions. The fact that they are present in great number in poets who were essentially popular, suggests that the spectators in general must have been capable of grasping them.

This is especially true when we consider the character of the Roman audience, and their impatience with spectacles which were incomprehensible or foreign to their tastes.[2] The poets are careful to heed this attitude on the part of their hearers. The prologue of the *Casina* (68, *et seq.*) shows the necessity for explanation of customs which were contrary to the habitual usages of the Romans, and again in the *Stichus* (445-8), when an incident might shock the spectators by its apparent improbability, the actor had his justification ready and interrupted himself to explain: "Don't be surprised at this . . . we're allowed to do this at Athens." [3]

[1] Legrande, *Matière de la comédie nouvelle* (Lyons, 1910), p. 57 *cf.* Polyb. XXXII. 11; Liv. XXXIX. 6. 9; Plut. *Cat. maj.* 8; Cato *Carmen de moribus* 2, ed. Jord. p. 83.

[2] Polyb. XXX. 13 *cf.* Ter. *Hec. Pro.* 33, *et seq.*

[3] *Cf.* Ter. *Phorm.* 125-6 where a principle of Attic law is explained.

In some cases this principle is carried even further, and a passage of the original which presents a foreign custom is changed by the poet in his adaptation from the Greek. An example of this is found in the *Phormio* of Terence (88, *et seq.*). In the original piece by Apollodorus, according to Donatus, Antipho's informant is the barber who has been cutting the girl's hair for her mourning; in the Roman version this is entirely altered "*ne externis moribus spectatorem Romanum offenderet*"—Antipho and his friends are sitting in the barber-shop, when "a certain youth enters" and tells his story.[1] No question of a mourning practise familiar and ordinary enough in the Greek of course, but offensive perhaps to the Romans, no attempt to instruct the Romans that "this is the custom in Greece", but simply the avoidance of all question by omitting any reference to the troublesome practice.

A similar method of procedure is illustrated in the *Heauton timorumenos* of the same author (61-4). Happily this passage can be parallelled with the corresponding passage from the original piece of Menander. The lines of the Greek run: "By Athena, are you possessed of a demon at so many years of age? For you are sixty or even more, and of estates in Halai yours is the fairest, yea by Zeus, among the three, and, the luckiest feature, it is unmortgaged"; in contrast to the lines of Terence: "For faith in gods and men, what do you want? What do you seek? You are sixty years of age or more, I should estimate. No-one in this neighborhood has a better or more valuable farm than yours."

The original is replete with local allusions: the reference to the Greek folk-belief that a δαίμων caused strange actions; to the deme Ἅλαι Αἰζων situated about two hours from

[1] Don. *ad Ter. Phorm.* I. 2. 41.

Athens between Zoster and Kolias; the description in terms of proverbial allusion to the farm as "among the three", ἐν τοῖς τρισίν, an expression which has not been explained; the use of the word ἄστικτον i. e. a farm which was unmortgaged and without ὅροι or mortgage-stone planted on its boundaries. On the other hand the Roman adaptation retains only the general substance of Menander's words, and all the specially Greek details which were without interest or meaning to the Roman audience, become generalized into a pleasant and easily comprehended whole.[1]

Furthermore the comic poets sometimes consider it necessary, in spite of the fact that their audience had a certain amount of familiarity with Greek literature and mythology, to insert an explanation of mythological allusions which were perhaps more difficult. Such an explanation was very clearly not a part of the original text. Consider for example the passage of the *Aulularia* (555-6), which reads: "If Argus watched them, the one who was all eyes (*oculeus*), the one of whom Juno once made use to watch Jupiter." [2]

Occasionally we find in the comedies a slave swearing by Greek divinities or even speaking the Greek tongue (*Cas.* 730. *cf. Capt.* 880, *et seq.*). Doubtless such slaves are themselves Greek, but it is evident that this does not obviate the possibility of their being in Rome and serving a Roman

[1] *Cf.* Legrande, *op. cit.*, p. 53, *et seq.*, on this point. Legrande also notes the passage in Terence, *Phorm.* 49: "*ubi initiabunt*," as opposed to the original of Apollodorus, which speaks expressly of the mysteries of Samothrace. He further considers that the Roman version of the *Epidicus*, in which, when the captive is recognized as the sister of the youth, he is consoled by a flute-player at the house, is probably different in the Greek, as Attic laws permitted the marriage of brother and sister.

[2] *Cf. Plaut. Epid.* 604, *Merc.* 690; Leo, *Plautinische Forschungen* (Berlin, 1912), p. 111, supports the belief that such explanations were self-evidently not included in the original.

master. As Leo points out in his *Plautinische Forschungen*, Plautus "nur Sklaven und Personen niederer Schicht griechische Brocken in den Mund legt." [1] Exceptions to this general rule are found in the *Trinummus* (187) and the *Bacchides* (1162), where Greek is spoken by old men (*senes*), but in no instance is that language used by other characters.

The plays present many customs and practices which are so clearly Greek that at first glance the passages appear indubitably to be mere reproductions of the original. Judging from the caution exercised by the Roman poets in this particular, however, such a conclusion cannot be reached without careful consideration. The Romans derived their culture so largely from Greek sources that many of the most common usages of Roman life had Greek antecedents. It must further be remembered that in this period especially, the Romans had been brought into even closer contact with Greek civilization. With the broadening of Roman intellectual and material life, many new Greek customs were being introduced. Therefore, as is to be expected, such customs were appropriately and naturally mentioned in a play presented to a Roman audience already familiar with them in its actual daily life. "Ce sont des moeurs grecques, mais déjà transplantées en Italie et melées aux habitudes des plus nobles familles." [2]

The verisimilitude, the realism, and hence the success of a theatrical presentation has its foundation in the reproduction of the habits of every-day life. Oliver recognizes this condition when he says "the comedies of Plautus, though largely Greek in inspiration, yet naturally must reflect the immediate surroundings of their author." [3] If

[1] Leo, *op. cit.*, p. 106.

[2] Wallon, *op. cit.*, vol. ii, p. 266.

[3] Oliver, *Roman Economic Conditions* (Toronto, 1907), p. 42.

metaphorical phrases from banking and business operations and the like had been mere translation, they would have had no meaning for a Roman audience.

While the action was always ostensibly in some Greek country, it was impossible by even the most conscientious efforts really to set the audience in Athens or Ephesus.[1] Plautus recognizes this as inevitable. Adaptations of foreign comedies never attempt too painstakingly to maintain the consistency of their allusions, and Plautus indeed makes so little attempt to keep up the fiction of Greek surroundings that he speaks of *tresuiri* at Thebes (*Amph.* 155) and a *dictator* at Athens (*Pseud.* 415-6), of the Porta Trigemina and the Velabrum (*Capt.* 90. 489) in Aetolia, and makes the characters talk about "living like those Greeks" (*pergraccari—cf. Truc.* 88, *Most.* 22, *Bacc.* 743.) utterly oblivious to the fact that the persons voicing the sentiments are supposed to be Greeks themselves.

Many eminent modern authorities, support the opinion that the plays of Plautus and Terence offer much material for a study of Roman conditions. Leo in his *Plautinische Forschungen* states that "specifisch Römisches und individuell Plautinisches leuchtet fast in jeder Scene aus der griechischen Umgebung heraus."[2] Legrande echoes the sentiment in the words: "On conçoit que, s'il était possible, sans altérer les grandes lignes du modèle, d'ajouter ça et là quelque détail romain ou de substituer aux détails exotiques des équivalents nationaux, Plaute se soit complu à le faire."[3] Wallon goes even further and concludes:

Dans toutes les pièces où l'aveu même de l'imitation ne nous forçait point à reconnaître, au moins dans le cadre général, une

[1] *Classical Weekly, loc. cit.*, pp. 219-20.

[2] Leo, *op. cit.*, p. 167.

[3] Legrande, *op. cit.*, p. 50.

copie de la Grèce, nous l'avons réservé comme spécialement romain. Ce n'est pas qu'il soit toujours le peintre des moeurs romaines de son époque: il y avait encore parmi les citoyens une plus forte trace de ces habitudes antiques dont Caton, contemporain de Plaute, laisse entrevoir quelque chose dans son Traité d'agriculture; mais il y avait aussi dans la société une véritable intrusion des moeurs étrangères. Elles s'étaient établies au sommet de l'État; et de là, par l'autorité des plus grandes familles, par l'influence de leurs relations et la force de l'exemple, elles menaçaient de se répandre partout. C'est là ce que Plaute attaque sous cette forme toute descriptive, avec non moins de vigeur, mais avec plus d'habileté que le poète Naevius. S'il parle, comme on l'a dit, à la populace qui remplit le fond du théâtre, il lui parle bien un peu des sénateurs et des chevaliers qui occupent les premiers rangs: et ainsi, tout en retracant des scènes greques, il est dans la vérité de son temps et de son pays.[1]

In addition to the reasons which have been given, careful study of sources unquestionably Roman in their material verifies the belief as to the value of the comedies as a field of information. It will be observed that in nearly every instance the material drawn from the comedies is parallelled and substantiated by references to Cato, Polybius, Livy, and similar sources. It may be assumed, therefore, that the majority of the habits and allusions contained in the comedies are either conclusively Roman, Roman with Greek antecedents, or Greek customs already introducted into Rome and familiar to the Romans.

At first glance much of the material which has been assembled, may seem to present little that is new. The furnishings of the dwelling, the customs of the household, many of the business and social practises are so similar to those which have been treated again and again in the

[1] Wallon, *op. cit.*, vol. ii, p. 261, *et seq.*

manuals and treatises of Roman life, that the present work appears in many cases almost a repetition. This very similarity, however, constitutes one of the most significant results of the study because the material has been gathered independently from sources dealing with Republican conditions. It is, therefore, of importance in showing to what a large extent conditions of the Imperial period had already developed and crystallized as early as the first half of the second century B. C.

Attempt has been made throughout the work to keep the different parts as evenly balanced as possible. The description of the country estate may appear somewhat brief, but as practically all the material was necessarily drawn from Cato's *De re rustica*, a treatment involving a wealth of minute details would be little more than a rescript of the treatise. It seemed preferable, therefore, to limit the discussion of the topic to more general statements, giving in the footnotes references from which further and more detailed information might be gained.

Frequently, in the footnotes to the sources, all of the references which have been found on a given point are not mentioned. In every case, however, enough references are cited to be significant, and it is hoped, conclusive. In view of the purpose of the work anything further appeared unnecessary.

Modern works have been read extensively in the preparation of the following study. The results obtained, however, were largely negative, owing, as has been said, to the lack of attention which has been paid to this particular period. For that reason, only those books have been cited in the bibliography which are specifically quoted or from which definite material has been drawn.

CHAPTER I

Dwelling, Town and Country

(a) town-house and furniture

It is difficult to give a description of the Roman dwelling of this period which would be generally applicable. Not only did the house vary according to the means of the owner, but also in this period of transition, older and simpler forms existed side by side with more recent changes and innovations.[1]

[1] The treatment of the house in this chapter is based on the literary sources, with the hope that the result may be of use in the study of archeological remains. Archeological evidence for the second century B. C. is available at Pompeii (on the private houses at Pompeii *cf.* Mau-Kelsey, *Pompeii* (New York, London, 1899), p. 239, *et seq.*, Overbeck, *Pompeji* [Leipsic, 1856], p. 179, *et seq.*) Some of the earlier houses there have no peristyle, but the normal plan includes both atrium and peristyle, and shows the complete union of Greek and Italic types. The House of the Surgeon, which antedates 200 B. C., is wholly Italic, with a roofed court, atrium, surrounded by smaller rooms and a garden in the rear, and the House of Sallust, built in the second century B. C., resembled this in its original plan. The House of the Faun illustrates the type of dwelling "that wealthy men of cultivated tastes living in the third or second century B. C. built and adorned for themselves" (Mau-Kelsey, *op. cit.*, p. 282). The plan is more complex, and the apartments are in four groups: (1) a large Tuscan atrium with living rooms on three sides; (2) a small tetrastyle atrium with rooms for domestic service around it; (3) a peristyle; (4) a second peristyle. The later House of Pansa also shows the union—here there is an atrium of usual type with *alae* and *tablinum*, entered through a vestibule, and at the further end there is access to the peristyle and the surrounding rooms.

It is natural to find such a union in a city like Pompeii which was

Rough stones held together with mortar were used for the foundation; unburnt bricks for the upper part, and wood for the inner framework. The house was plastered with a mixture of lime and chaff, and a compound of gravel and lime was used for the flooring (*pauimentum*).[1] The roof was covered with tiles, of which there were different kinds: (1) *tegulae*, flat tiles, (2) *imbrices*, hollow tiles which were placed over the joints of the flat tiles, (3) *tegulae conliciares*, large tiles.[2]

There were two systems of roof construction—the closed roof and the roof with the opening. When the roof was closed, the form was called *testudo*, the four slopes from the sides of the house coming together like a pyramid. The form with the opening in the center over the atrium, however, was the one generally used. The flat roof served as a terrace, *solarium*.[3]

Before the house proper was a fore-space or *uestibulum*. This was used as a waiting room for those who wished to

subject at the same time to Greek and Roman influence. It cannot be accepted as positive, however, that all of the features which are found in the second-century remains at Pompeii, were also current in Rome itself at that time. According to Overbeck, *op. cit.*, p. 187, "die dritte Periode der römischen häuslichen Architektur können wir vom letzten Jahrhundert der Republik an datiren . . . dieser Periode gehört die Erweiterung des römischen Hauses durch vom griechischen Hause entlehnte Räumlichkeiten mit griechischen Namen".

[1] For materials used in construction *cf.* Cato *R. R.* XIV, *et seq.*; *pauimentum*: XVIII. 7; CXXVIII: "*habitationem delutare. terram quam maxime cretosam uel rubricosam, eo amurcam infundito, paleas indito.*"

[2] *Ibid.*, XIV. 4; Plaut. *Mil. Glor.* 504: "*imbricis et tegulas*"; *Rud.* 87; Ter. *Eun.* 588; Caec. Stat. *Synaristosae*, Ribb. *Frag. Com.* p. 68: "*ex tegulis*"; Liv. XXXVI. 37. 2.

[3] Plaut. *Mil. Glor.* 159, 175, 287: "*impluuium*"; Ter. *Eun.* 589: "*pluuiam*". Cic. *Brut.* 22. 87: "*in quadam testudine*" (referring to a structure belonging to Servius Sulpicius Galba, praetor 151 B. C., consul 144 B. C.). Plaut. *Mil. Glor.* 340, 378: "*solarium*."

see the master of the house, and was adorned with paintings, standards and spoils taken in battle, and the like. In front of the *uestibulum* there might be a walk, *ambulacrum*.[1]

There is a question whether the street door, *ianua maxima*,[2] opened directly into the atrium or into a hall, *ostium*. The words of Livy, "*Vulgo apertis ianuis in propatulis epulati sunt*," and the provision of the sumptuary law which ordered that during dinner the doors should be left open so that all might see that the legal restrictions were observed, suggest that the door opened directly, and this view is upheld by Marquardt.[3] It is possible, however, that a short hall led from the atrium to the *ianua:* (1) while *ostium* is frequently used synonymously with *ianua* and *fores* to mean simply the entrance to the house, Plautus by the expression *ante ostium et ianuam* suggests that *ostium* strictly indicated a small space behind the *ianua*;[4] (2) there was necessarily a place for the *ianitor*, and frequently for a watch-dog as well, immediately in back of the door, and it is unlikely that these would be in the atrium.[5] The possibility that the passage was very short might explain the passage from Livy.

[1] Plaut. *Most* 817: "*uiden uestibulum ante aedis hoc et ambulacrum*"; Aul. Gell. XVI. 5. 3: "*locum ante ianuam domus uacuum*"; Liv. XXXVIII. 43. 11: "*Ambraciam captam signaque, quae ablata crimin-abantur, et cetera spolia eius urbis ante currum laturus et fixurus in postibus suis*".

[2] Cato *R. R.* XIV. 2: "*ianuam maximam*."

[3] Liv. XXV. 12. 15: Macrob. *Sat.* III. 17. 1: "*ut patentibus ianuis pransitaretur et cenitaretur, sic oculis ciuium testibus factis luxuriae modus fieret. prima autem omnium de cenis lex ad populum Orchia peruenit.*" Marquardt, *Vie priveé des Romains* (Paris, 1892-3), vol. i, p. 267.

[4] Plaut. *Pseud.* 604, *Stich.* 449-50, *Cist.* 669 *cf. Pers.* 758; Overbeck, *op. cit.*, p. 189.

[5] Plaut. *Asin.* 390: "*ianitorem*"; *Cas.* 462: "*atriensem . . . sub ianua*"; *Most.* 854: "*canem istanc a foribus abducant face*".

The central point of the house was the atrium, which was lighted from above, through the opening in the roof. Beneath this opening there was a corresponding opening in the floor. The term *impluuium* was applied to either opening. In Terence the opening in the roof is also designated by the term *pluuia*.[1] In the atrium in the simpler form of dwelling was the *Lar Familiaris* and the *focus*.[2] In the more elaborate houses the atrium had already begun to be used instead of the *uestibulum* as a place of waiting for those who had business with the master of the house.[3]

In the arrangement of the house various changes were taking place with the idea of increasing the number of rooms and of distributing them better. Around the atrium were chambers for different purposes, such as sleeping-rooms and private rooms for members of the family and store-rooms for wine and provisions. The *conclauia* or family rooms were closed with keys and bolts; the store-rooms with seals.[4] The house was further increased by additions in the rear, *posticae aedes*, and the cooking hearth was removed from the atrium to a special room called *culina*. There was also a *latrina*, probably near the kitchen

[1] Plaut. *Amph.* 1108, *Mil. Glor.* 159, 175, 287: *impluuium* used to refer to opening in roof; Liv. XLIII. 13. 6: used to refer to opening in floor; Ter. *Eun.* 580: "*pluuiam*."

[2] Cato *R. R.* CXLIII. 2; Plaut. *Aul.* 386.

[3] Plaut. *Aul.* 517-9: "*cedunt, petunt | treceni, quom stant thylacistae in atriis | textores limbularii, arcularii.*"

[4] Cato *Orat. reliq.* LVII., ed. Jord. p. 64: "*in cubiculum subrectitauit e conuiuio*"; Plaut. *Most.* 843: "*conclauia*"; *Cas.* 881: "*in conclaue*"; Ter. *Heaut.* 902, *Eun.* 583; Plut. *Cat. maj.* 24. Cato *R. R.* XIV. 2: "*cellas familiae, carnaria*"; Plaut. *Mil. Glor.* 857: "*cella uinaria*"; *Capt.* 914: "*cum carni carnarium*"; *Curc.* 324; Cato *Mem. Dict.* 72, ed. Jord. p. 110: "*cellam penariam*". Plaut. *Cas.* 144: "*obsignate cellas, referte anulum ad me*"; *Capt.* 918. Ter. *Eun.* 603: "*pessulum ostio obdo*"; Don. *ad Ter. Eun.* III. 5. 35.

so that a common drain might serve for both.[1] In some cases there was an entirely separate structure in the rear used by the master as a study when he wished to be undisturbed.[2] The *posticae aedes* also included the garden.[3]

The space under the roof was also divided into different rooms, which were reached by ladders. These rooms were lighted by *luminaria* and opened to the atrium. They were used for storing wine, oil, and especially wood.[4]

By the time of Cicero the two-part Greek house had been introduced. This innovation changed the rear of the house into the *gynaeceum* or family dwelling, which was provided with an atrium and contained sleeping-rooms, the *balneum*, the *apodyterium* or dressing-room, and the *palaestra* or room for athletic exercises. A colonnade (*peristylum*) was also added. Passages in Plautus and Terence refer to various features of such a dwelling, but as these passages may be taken substantially from the Greek originals, they do not indicate positively that the form was already current in Rome.[5]

[1] Liv. XXIII. 8. 8: "*hortus erat posticis aedium partibus*"; Plaut. *Stich.* 450: "*posticam partem magis utuntur aedium*"; *Most.* 931. *Ibid.*, 1-2: "*exi e culina ... inter patinas*"; *Cas.* 764. Plaut. *Curc.* 580: "*ancillam quae latrinam lauat.*"

[2] Cic. *Brut.* 22. 87: "*omnibus exclusis, commentatum in quadam testudine cum seruis literatis fuisse ... exisse in aedis*" *cf.* Plaut. *Trin.* 194: "*posticulum hoc recepit quom aedis uendidit.*"

[3] Liv. XXIII. 8. 8; Plaut. *Stich.* 450-3, 614, *Epid.* 660, *Cas.* 613; Ter. *Ad.* 908-9.

[4] Cato *R. R.* LXIV. 1, LV, XIV. 2; Plaut. *Mil. Glor.* 824: "*domisit nardini amphoram cellarius.*"

[5] Cic. *ad Att.* II. iii. 4: "*balineum calfieri*"; *ad Fam.* XIV. 20; *ad Qu. fr.* III. i. 1. 2: "*apodyterium*"; *in Verr.* V. 72. 185: "*in priuata aliqua palaestra*". Plaut. *Most* 755-6: "*gynaeceum aedificare uolt in suis | et balineas et ambulacrum et porticum*"; Ter. *Phorm.* 862: "*gynaeceum*". Rider, *Greek House* (Cambridge, 1916), p. 264, concludes that the two-court type of house seems to have been adopted by the Greeks and the Romans about the same time, *viz*: 2nd Cent. B. C.

In some cases the dwelling was enlarged by the addition of a second story. This upper floor was reached by stairs from the street but might also be reached from the interior. The second story led to the transference of the dining-room from the atrium to a room (*cenaculum*) in the upper story, with the result that the whole upper story was called *cenaculum*.[1] As early as 218 B. C. there is reference to a building three stories in height,[2] and dwellings continued to increase in size and become more elaborate until in the following century M. Aemilius Lepidus Porcina, for example, had in Rome a rent of 6000 HS (*c.* $300) and in the territory of Alsium a villa several stories high.[3] The fact that he was fined for this by the censors suggests that private houses had attained such a height that they had to be restrained by law. The restrictions were probably imposed in an attempt to check the growing luxury of the time and not with the idea of diminishing the danger from fire.

The door was usually of wood, with two posts, a sill (*limen* or *limen inferum*), and a lintel (*limen superum*). The door itself was double with two wings (*fores*) which turned on pivots (*cardines*). Each of the wings was fixed by bolts, fastened probably one in the sill and the other in the lintel. The door was also provided with a lock for which there were different kinds of keys.[4] During the day the door was

[1] Plaut. *Amph.* 863: "*in superiore . . cenaculo*"; Liv. XXXIX. 14. 2: "*cenaculum super aedes datum est scalis ferentibus in publicum obseratis, aditu in aedes uerso.*"

[2] Liv. XXI. 62. 3: The fanciful story given here of the ox which jumped from the third story of the *forum boarium* may have been made up at a later date and pushed back into the past. It cannot be taken as positive proof that buildings of that height existed at the time.

[3] Vell. Pat. II. 10: "*quod sex milibus aedes conduxisset*". Val. Max. VIII. 1. 13. *damn.* 7: "*accusatum crimine nimis sublime extructae uillae in alsiensi agro graui multa affecit.*"

[4] Plin. *H. N.* XXXIV. 3 (7). 13: "*Camillo inter crimina obiecit*

rarely closed with the bolts. A porter, quite often with a dog, was stationed at the entrance, and people wishing to enter, knocked to announce themselves.[1]

The house was largely dependent upon the opening in the roof for light, but there were also windows of various sizes. The larger windows of the house were *fenestrae clatratae*—covered with grills. The smaller openings were called *luminaria*.[2] For artificial lighting there were wax candles (*cerei*), oil lamps with linen wicks (*lucernae*), and lanterns (*lanternae*). Glass was not used in the lanterns, but some semi-transparent material, such as horn.[3]

There was no adequate water supply. The rain water which was received through the opening in the roof was collected in an underground cistern (*puteus*),[4] and when this was insufficient for the needs of the household, water had to be carried from the public tanks. Sometimes these public tanks were tapped by the individual house-owner,

Spurius Caruilius quaestor, ostia quod aerata haberet in domo". Plaut. *Most.* 818-9: "*age specta postis, quoiusmodi, | quanta firmitate facti et quanta crassitudine*"; Liv. XXXVIII. 43. 11. Plaut. *Most.* 829: "*in foribus*"; *Pers.* 570-1; Ter. *Heaut.* 278. Plaut. *Curc.* 158: "*sonitum prohibe forium et crepitum cardinum*"; *Aul.* 103-4: "*occlude sis | fores ambobus pessulis*"; *Cist.* 649: "*occludite aedis pessulis, repagulis*"; *Curc.* 153; Ter. *Heaut.* 278, *Eun.* 603; *cf.* Plaut. *Pers.* 572: "*ferream seram atque anellum.*" *Most.* 404: "*clauem Laconicam*"; *ibid.*, 425: "*clauim cedo atque abi [hinc]intro atque occlude ostium.*"

[1] Plaut. *Stich.* 308: "*quid hoc? occlusam ianuam uideo. ibo et pultabo fores*"; *Most.* 444-5: "*quid hoc? occlusa ianua est interdius. pultabo*"; *Asin.* 382. *Asin.* 390: "*ianitorem*"; *Cas.* 462, *Curc.* 76, *Most.* 854: "*canem istanc a foribus abducant face.*"

[2] Plaut. *Mil. Glor.* 379: "*fenstra clatrata*"; Cato *R. R.* XIV. 2: "*fenestras, clatros in fenestras maioris bipedales luminaria.*"

[3] Plaut. *Curc.* 9: "*cereum*". Caec. Stat. *Meretrix* II (1), Ribb. *Frag. Com.* p. 54: "*candelabrum ligneum ardentem*". Plaut. *Bacc.* 446: "*lucerna uncto expretus linteo*"; *Most.* 487; Cato *R. R.* XIII. 1. Plaut. *Amph.* 341: "*qui Volcanum in cornu conclusum geris*": *Aul.* 566.

[4] Plaut. *Most.* 380, 769, *Mil. Glor.* 551-2.

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notwithstanding the fact that to draw off the water-supply in this way constituted a violation of the law.[1]

The interior decorations, the furniture, and the household utensils of this period are especially significant of the changing conditions of life and the growing tendency to luxury. Houses were beautified with citrus wood and ivory; the use of Numidian marble for floorings was known; statues of the gods were introduced merely as objects of art, until the conservative Cato, who maintained with pride "*uillas suas inexcultas et rudes ne tectorio quidem praelitas fuisse*," stood aghast.[2]

[1] Liv. XXXIX. 44. 4.

[2] Cato *Orat. reliq.* XXXVI. 1, ed. Jord. p. 55: "*dicere possum, quibus uillae atque aedes aedificatae atque expolitae maximo opere citro atque ebore atque pauimentis Poenicis sient*"; *ibid.*, LXXI, p. 69: "*miror audere atque religionem non tenere, statuas deorum, exempla earum facierum, signa domi pro supellectile statuere*"; *Incert. Orat. reliq.* X, ed. Jord. p. 72-3: "*M. Cato ... publicis iam priuatisque opulentis rebus uillas suas inexcultas et rudes ne tectorio quidem praelitas fuisse dicit ... Neque, inquit, mihi aedificatio neque uasum neque uestimentum ullum est manupretiosum, neque pretiosus seruus, neque ancilla.*"

The use of marble at Rome in the second century B. C. is questioned. However the quotation from Cato (*cf.* Festus *s. v. pauimenta Poenica*, ed. Lindsay, p. 282: "*pauimenta Poenica marmore Numidico constrata significat Cato*") and the statement of Velleius Paterculus I. 11. 5: "*Hic idem* [*Metellus*], *primus omnium, Romae aedem ex marmore*," appear to establish its introduction in this period. Moreover Livy tells us (XLII. 3. 1, *et seq.*) that in 173 B. C., Q. Fulvius Flaccus, when he was building a temple to Fortuna at Rome, imported marble tiles (*tegulae marmoreae*) to enhance the magnificence of the structure. As these tiles had been taken from a temple of Juno in Bruttium, the act was considered a sacrilege and the Senate ordered the marble to be returned. The intention of Flaccus suggests that the employment of marble was already known at Rome.

On the other hand Pliny (*H. N.* XXXVI. 3(3).7) states that L. Crassus c. 100 B. C. was the first to have pillars of foreign marble. He also states (*H. N.* XXXVI. 6(7-8).48-50) that Mamurra, a prefect of engineers of Caesar in Gaul, was the first to cover the whole of the walls of his house with marble, and that M. Lepidus, consul in 78 B. C., was the first to have the lintels of his house made of Numidian

The principal articles of furniture were couches and

marble. "This", says Pliny, "is the earliest instance I find of the introduction of Numidian marble". The statement of Pliny, however, need hardly be considered as nullifying the words of Cato, who was in a better position to know.

Platner, *Topography and Monuments of Ancient Rome* (Boston, 1911), p. 25, doubtless with these statements of Pliny in mind, entirely ignores the earlier references to the employment of marble, and declares that "the use of marble, both native and foreign, began in Rome in the first decade of the first century B. C." Pullen in his *Handbook of Ancient Roman Marbles* (London, 1894), does not discuss the question. Corsi, *Della Pietre Antiche* (Rome, 1845), p. 12, *et seq.*, in dealing with the earliest importations of marble to Rome, says that its use was not unknown before the first century B. C., although "anche dopo la distruzione di Cartagine che seguì nell' anno 608 fu costume de' piu nobili personaggi romani il valersi delle sole pietre del Lazio" (on this point compare the fragment of Cato with the similar attitude expressed by Seneca, *Ep.* LXXXVI). Jordan, *Topographie der Stadt Rom*, (Berlin, 1871-1907), vol. i, sec. i, p. 16, *et seq.*, is also less sweeping than Platner. Although he considers that the general use of marble is of later date, he interprets the passage of Velleius to indicate "ein zum Staunen Roms mit solchen geraubten Marmorstücken ausgezierter Tempel". Until the time of Augustus, according to Jordan, marble for building purposes was "ein fremdes, aus dem hellenischen Osten und Afrika bezogenes Material, in Rom schwerlich bekannt vor den punischen Kriegen". In the same connection he remarks: "Die bekannten Notizen uber die Verwendung des fremden Marmors... vor Augustus treten, was gewöhnlich übersehen wird, lediglich in Verbindung mit der Geschichte des Luxus, namentlich der Privathäuser, auf... So auch Catos Klage uber die *pauimenta Poenica*". He thus accepts the reference of Cato to the use of marble in extremely luxurious private dwellings of the second century B. C.

It is evident of course that marble was used sparingly in this early period. There is no reason for questioning the statement of Pliny as to the introduction of marble columns. But at the same time there is good reason to believe that with the marked increase in luxury in all phases of life in the early part of the second century B. C., there was also the beginning of the use of marble, which reached a further development in the following century. Marquardt, *op. cit.*, vol. ii, pp. 266-7, takes much this point of view when he says: "Encore que Rome ait opposé à l'invasion de ces somptuosités une longue et vigoureuse résistance, le vieux Caton déjà parle de carrelages en mosaïque de marbre numide".

chairs, tables, and chests of various sizes. There were also mirrors, disc-shaped, and made of polished metal.[1] The couches (*lecti*) which served as beds or sofas, varied according to the purpose for which they were intended and according to the means and taste of the owner. The framework was of wood, and in some, leather thongs were stretched across the frame, on which the mattress, cushions, and coverings were laid. In 187 B. C. couches with bronze feet (*lecti aerati*) were introduced, and Plautus speaks of *lecti eburati* and *lecti aurati*. The couches used for persons reclining at meals were referred to as *triclinia* and accommodated three persons.[2]

For seating purposes there were also various kinds of chairs: (1) the *sella*, (2) the *solium*, a high chair with a back, (3) the *subsellium*, a low bench. These chairs were not upholstered but were provided with cushions (*pulvini*).[3] Chests were of different sizes ranging from the large *armarium* to the small *cistella* or casket, and were used not only to hold garments but also different articles of household use. Chests whose contents were especially valuable

[1] Plaut. *Epid.* 382-3; Ter. *Ad.* 415; Plaut. *Most.* 268: "*ut speculum tenuisti, metuo ne olant argentum manus*".

[2] Ter. *Ad.* 585: "*lectulos in sole ilignis pedibus*"; Cato *R. R.* X. 5: "*lectos loris subtentos*"; Ter. *Heaut.* 125: "*lectos sternere*" *cf.* Plaut. *Stich.* 357. Liv. XXXIX. 6. 7 (referring to the triumph of Cn. Manlius in 187 B. C.): "*luxuriae peregrinae origo ab exercitu Asiatico inuecta in urbe est: ii primum lectos aeratos, uestem stragulam pretiosam, plagulas et alia textilia, et quae tum magnificae supellectilis habebantur, monopodia et abacos Romam aduexerunt*"; *cf.* Plaut. *Stich.* 377: "*lectos eburatos, auratos*"; Plin. *H. N.* XXXIV. 3 (8).14: "*nam triclinia aerata abacosque et monopodia Cn. Manlium ... primum inuexisse*". The term *triclinium* was also applied to the room used as a dining-room. *cf.* Naevius *Tarentilla* IV (10), Ribb. *Frag. Com.* p. 20: "*utrubi cenaturi estis, hicine an in triclinio?*"

[3] *Sellae*: Cato *R. R.* X. 5, Plaut. *Curc.* 311, *Bacc.* 432; *solia*: Cato *loc. cit.*; *subsellium*: Plaut. *Stich.* 93, 703; *puluinus*: *ibid.* 94; Cato *R. R.* X. 5.

were locked or sealed.[1] Tables (*mensae*) were used at meals principally to hold the various dishes. In 187 B. C. *abaci*, tables of precious metal for the display of plate, and *monopodia*, stands or tables with one foot, were introduced.[2] The floors and walls of the house were kept clean with brushes of twigs or reeds, and there was a special vessel (*nassiterna*) with which water was sprinkled in sweeping.[3] Tables were wiped with a sponge (*peniculus*).[4]

Under the general term *uasa* was grouped an extensive range of household utensils: (1) the large jars for storing wine, oil, and provisions: *amphora, cadus, dolium, seria*, the last two being frequently mentioned together;[5] (2) the smaller vessels in which liquids were carried: *urna, sitella*,

[1] Titinius *Ex Incertis Fabulis*, Ribb. *Frag. Com.* p. 158: "*quid habes nisi unam arcam sine claui?*" Plaut. Epid. 308-9: "*ex occluso atque obsignato armario | decutio argenti tantum*"; *Truc.* 55: "*armariola Graeca*"; *Amph.* 773-4: "*in hac cistellula | tuo signo obsignata*"; *Rud.* 1109: "*cistellam.*"

[2] Plaut. *Men.* 210-2:

"*glandionidam suillam, laridum pernonidam,*
aut sincipitamenta porcina aut aliquid ad eum modum,
madida quae mi adposita in mensam miluinam suggerant."

cf. Pers. 354: "*mensa inanis nunc si apponatur mihi*"; *ibid.* 769: "*date aquam manibus, apponite mensam.*" Liv. *loc. cit.*, Plin. *loc. cit.*

[3] Plaut. *Stich.* 347, *et seq.*:

"*munditias uolo fieri. ecferte huc scopas simulque harundinem,*
ut operam omnem araneorum perdam et texturam inprobem
deiciamque eorum omnis telas."

ibid. 352-4: "*nassiternam cum aqua . . . consperge*"; Titinius *Setina* XVII (12), Ribb. *Frag. Com.* p. 151: "*uerrite mi aedis, spargite*"; Cato *Orat. reliq.* L, ed. Jord. p. 62: "*nassiternas*".

[4] Plaut. *Men.* 77-8: "*nomen fecit Peniculo mihi | ideo quia mensam quando edo detergeo*"; Ter. *Eun.* 777.

[5] Plaut. *Poen.* 863: "*uasa salua*"; *Aul.* 95-6. *Amphora*: Plaut. *Mil. Glor.* 824, *Cas.* 121-2; Cato *R. R.* CXIII. 2. *Cadus*: Plaut. *Mil. Glor.* 850, *Amph.* 429. *Dolium*: Cato *R. R.* X. 4: "*dolia quo uinacios condat, amurcaria, uinaria, frumentaria*". *Seria*: Plaut. *Capt.* 917; Ter. *Heaut.* 460: "*dolia omnia, omnis serias*"; Liv. XXIV. 10. 8: "*serias doliaque.*"

urceus. Cato distinguishes between *urcei fictiles* and *urcei urnales*, the latter being apparently larger and not of earthenware.[1] (3) The vessels used in drinking: *crater* (mixing-bowl), *cyathus* (a measure or ladle), *trulla* (a small ladle or scoop) made of wood or bronze, different kinds of drinking cups as the *patera, scaphium, gaulus, calex* (made of earthenware), *batioca, scyphus, cantharus, sinus*.[2] (4) The eating-ware: *lanx* (a round platter for roast meats), *patinae* (platters used for serving meats, et cetera, and which could be covered), *catinus* (an earthenware bowl), *labellum* (a small basin).[3] (5) The kitchen-ware: *aulae* (jars used for cooking, sometimes of bronze, sometimes of earthenware), *hirnea* (used both as a kind of drinking vessel and for baking cakes), *trua* (a stirring-spoon or skimmer), *patinae* (employed as a general term to refer to cooking utensils).[4] The

[1] *Urna*: Plaut. *Cas.* 76: "*in urnam mulsi.*" *Sitella*: Plaut. *Cas.* 342; Liv. XXV. 3. 16. *Urceus*: Cato *R. R.* XIII. 3.

[2] *Crater*: Ennius *Ann. Lib. Inc.* CXLV. 624, ed. Vahl. p. 116: "*crateris ex auratis hauserunt*". *Cyathus*: Plaut. *Rud.* 1319, *Stich.* 706. *Trulla*: Cato *R. R.* XIII. 2: "*trullas aheneas*"; *ibid.*, XIII. 3: "*trullas ligneas*". *Patera*: Plaut. *Amph.* 766: "*aurea patera*". *Scaphium*: *Stich.* 693. *Gaulus*: *Rud.* 1319. *Calex*: *Capt.* 916: "*aulas calicesque omnes confregit*". *Batioca*: *Stich.* 694. *Scyphus*: *Asin.* 444. *Cantharus*: *Most.* 347, *Stich.* 693. *Sinus*: *Rud.* 1319.

[3] *Lanx*: Plaut. *Curc.* 323-4:

> "*pernam, abdomen, sumen suis, glandium - ain tu omnia haec? in carnario fortasse dicis. immo in lancibus.*"

Patinae: *Pseud.* 840-1: "*ubi omnes patinae feruont, omnis aperio | is odos ... in caelum uolat*"; *Mil. Glor.* 759: "*tolle hanc patinam; remoue pernam.*" *Catinus*: Cato *R. R.* LXXXIV. *Labellum*: *ibid.*, LXXXVIII. 2.

[4] *Aulae*: *ibid.*, LXXXI: aulam aheneam; Plaut. *Capt.* 846-7: "*astitui aulas, patinas elui | ... epulas foueri foculis feruentibus.*" *Hirnea*: *Amph.* 429, 431-2; Cato *R. R.* LXXXI: "*irneam fictilem.*" *Trua*: Titinius *Setina* XV (1), Ribb. *Frag. Com.* p. 151. *Patinae*: Plaut. *Most.* 1-2:

> "*Exi e culina sis foras, mastigia,*
> *qui mi inter patinas exhibes argutias.*"

household equipment also included such objects of domestic use as knives, hatchets and cleavers, baskets, the mortar and pestle to grind the flour for baking, and the like.[1] The apparent emphasis placed upon drinking vessels is largely due to the character of the sources for the period, but it may be assumed that the entire household equipment was quite complete.

The pottery which was in most general use at Rome was Samian ware. Vases were also made at Mutina. The term "Samian" came to be applied to any kind of earthenware, although Samian ware itself was thin and broke easily.[2] In this period earthenware at Rome had been superseded to a large extent by silver. Cato complained that already the people scoffed at the earthen molds which served as ornaments to the temples, and its use for domestic purposes was regarded as an evidence of poverty or covetousness. In the *Captivi* of Plautus, for example, it is advanced against a man as the most clinching proof of his avarice: "He's the stingiest person ever—why, just to give you some idea, when he's sacrificing to his own Genius, for whatever vessels are needed in the ritual, he uses Samian ware for fear the Genius himself will steal them—you can guess from that how far he trusts anyone else!" Q. Aelius Tubero Catus, the son-in-law of Aemilius Paulus, in fact, seemed

[1] Plaut. *Aul.* 95-6:

"cultrum, securim, pistillum, mortarium,
quae utenda uasa semper uicini rogant."

Stich. 289: "*sportulamque et hamulum piscarium.*"

[2] Liv. XLI. 18. 4: "*uasa omnis generis, usui magis quam ornamento.*" Plaut. *Bacc.* 202: "*scis tu ut confringi uas cito Samium solet*"; *Men.* 178: "*placide pulta, metuis, credo, ne fores Samiae sient*"; *cf.* Walters, *History of Ancient Pottery* (New York, 1905), vol. ii, p. 474, *et seq.* The find of lamps described by Walters, *op. cit.*, chap. xx, gives evidence of a pottery on the Esquiline in the third and second centuries B. C., and this is supported by Festus, *s. v. salinum*, ed. Lindsay, p. 468.

almost "*fabulosus*", because even in his consulship he ate from earthenware and refused all silverware except two vases which he had received after the battle of Pydna in recognition of his bravery.[1]

The increase in the amount of silverware owned by private individuals was very marked and rapid. This fact is best illustrated by concrete instances of the years immediately preceding and subsequent to the period under discussion. In the preceding century P. Cornelius Rufinus had been removed from the Senate because he had at his home ten pounds of silverware,[2] and the Carthaginian envoys to Rome had remarked that at the banquets they attended in various homes the same set of silver always appeared,[3] a fact which would seem to indicate that the Romans of the time regarded the use of such elaborate ware more as a fitting concomitant of the official dignity of the State than as an opportunity for individual display. In contrast to this attitude Scipio Aemilianus was the owner of thirty-two pounds of silver, and Q. Fabius Maximus Allobrogicus was the first of the Romans to have one thousand pounds.[4] With the increase in quantity a high value was placed upon artistic workmanship: C. Gracchus paid as high as 5000 HS a pound for some of his silverware, and Crassus the orator purchased two cups (*scyphos*) engraved in relief by Mentor, which were so valuable that he dared not use them.[5] Golden vases

[1] Liv. XXXIV. 4. 4: "*antefixa fictilia deorum Romanorum ridentis.*" Plaut. *Stich.* 692, *et seq.*: for use of Samian ware as an evidence of poverty; *Capt.* 290-2; Plin. *H. N.* XXXIII. 11 (50). 142. *cf.* Plut. *Aem. Paul.* 28. Walters, *op. cit.*, vol. ii, p. 431, points out that in spite of increased habits of luxury, it is obvious that the replacing of earthenware by metal could never have become universal.

[2] Aul. Gell. XVII. 21. 39.

[3] Plin. *H. N.* XXXIII. 11 (50). 143.

[4] *Ibid.* XXXIII. 11 (50). 141.

[5] *Ibid.* XXXIII. 11 (53). 147.

were introduced in quantity by Aemilius Paulus, who brought them from Macedon to be carried in his triumph.[1]

The dwelling was rendered still more luxurious in its furnishings by the introduction of rich tapestries, rugs, and coverings from the Orient. Plautus gives a vivid description of articles brought back from Asia, and his list is strikingly similar in its details to the account given by Livy of the introduction of Asiatic luxury at the triumph of Cn. Manlius in 187 B. C.[2] The impression made upon the unaccustomed Roman by these highly colored stuffs is amusingly illustrated by the threat of a master to his slave in one of the comedies: "Upon your back I will mark with my lashes a pattern so variegated that no Campanian tapestry or Alexandrian hanging can show so many different colors." [3]

(b) COUNTRY ESTATE

On the country estate the buildings included the dwelling-house, the stables, the storehouses, and the poultry-yard. The size of the estate was uniformly limited. Cato assumes 240 *iugera* as a standard and 100 *iugera* where the vine

[1] Plut. *Aem. Paul.* 33.

References to both gold and silverware are found in Plautus: *Truc.* 53-4: "*uasum argenteum aut uasum ahenum*"; *Pseud.* 162: "*argentum eluito, idem exstruito*"; *Amph.* 760: "*auream pateram*" *cf.* Ennius *Ann. Lib. Inc.* CXLV. 624, ed. Vahl. p. 116. "*crateris ex auratis hauserunt*".

[2] Plaut. *Stich.* 376-381:

"Pi. *lanam purpuramque multam.* Ge. *est qui uentrem uestiam.*
Pi. *lectos eburatos, auratos.* Ge. *accubabo regie.*
Pi. *tum Babylonica et peristroma tonsilia et tappetia*
aduexit, nimium bonae rei. Ge. *hercle rem gestam bene!*
Pi. *pose, ut occepi narrare, fidicinas, tibicinas,*
sambucas aduexit secum forma eximia."

cf. Liv. XXXIX. 6. 7.

[3] Plaut. *Pseud.* 145-7.

was cultivated.[1] The owner did not always cultivate the land himself but might lease it for a fixed period, in which case the person leasing the estate and the owner divided the gross products according to proportions agreed upon. The proprietor under such an arrangement supplied the fodder for the work-animals.[2]

Among the products of the estate the cultivation of the vine and the olive tree was of utmost importance. The owner might gather them himself or lease the harvest to another. Frequently the olives and grapes were sold while they were still growing.[3] Various kinds of grain were cultivated: wheat, lupine, spelt, vetch, barley. The products of the farm also included (1) vegetables such as turnips, onions, lentils, beans, radishes, asparagus, and that which in the words of Cato "surpasses all vegetables"—the cabbage; (2) fruit trees such as apples, pears, and figs; (3) leafy trees and shrubs which furnished fodder for the cattle and wood for use on the estate.[4]

Oxen and asses were used as work-animals for drawing

[1] Cato *R. R.* X, XI.

[2] *Ibid.* CXXXVI: "*in agro Casinate et Venafro in loco bono parti octaua corbi diuidat, satis bono septima, tertio loco sexta; si granum modio diuidet, parti quinta. in Venafro ager optimus nona parti corbi diuidat. si communiter pisunt, qua ex parte politori pars est, eam partem in pistrinum politor. hordeum quinta modio, fabam quinta modio diuidat*"; *ibid.* CXXXVII: "*uineam curandam partiario. bene curet fundum, arbustum, agrum frumentarium. partiario faenum et pabulum, quod bubus satis siet. cetera omnia pro indiuiso.*"

[3] Cato *R. R.* CXLIV: "*oleam legendam hoc modo locare oportet*"; CXLVI: "*oleam pendentem hac lege uenire oportet*"; CXLVII: "*hac lege uinum pendens uenire oportet.*"

[4] *Ibid.* XXXIV, XXXV. Vegetables: *loc. cit.*, VI, VIII. Fruit trees: VII. 3, VIII. 1. Other trees: VI. 3. "*circum coronas et circum uias ulmos serito et partim populos, uti frondem ouibus et bubus habeas*"; VII. 1: "*fundum suburbanum arbustum maxime conuenit habere. et ligna et uirgae uenire possunt, et domino erit qui utatur.*"

the plows, for work in the mill, et cetera. These animals were not as a rule bred on the farm but were purchased from outside, and Cato prescribes three yoke of oxen and four asses for an estate of 240 *iugera;* one yoke of oxen and three asses for one of 100 *iugera*. The larger cattle, which were used in field work, were fed during the summer in their stalls—the only time they were permitted to graze was in the winter. They were not important as a source of food, as the meat eaten by the Romans was almost exclusively lamb or some form of pork.[1] One hundred head of sheep were estimated to a large estate. Sometimes the owner turned over his flock to a lessee and shared the produce or leased his winter pasture to the owner of a large flock.[2] The other live stock of the farm included poultry and geese, pigeons, and swine.[3] The latter were so numerous that Polybius remarks "nowhere are more pigs slaughtered than in Italy, for sacrifices as well as for family use."[4]

The principles of agriculture as set forth by Cato in his treatise *De re rustica* give considerable attention to details, and even the most minute items are carefully elucidated. The idea of rotation of crops was understood as well as the advisability of growing particular crops in certain varieties

[1] Cato *R. R.* X. 1, XI. 1; LIV. 5: "*boues nisi per hiemem, cum non arabunt, pasci non oportet*"; CLXII, *cf.* Plaut. *Capt.* 849: "*alium porcinam atque agninam et pullos gallinaceos*"; *Curc.* 323, *Mil. Glor.* 759-60, *Aul.* 330-1.

[2] Cato *R. R.* X. 1, CXLIX, CL; Plaut. *Truc.* 645-9:

> "*Rus manc dudum hinc ire me iussit pater,*
> *ut bubus glandem prandio depromerem.*
> *post illoc quam ueni, aduenit, si dis placet,*
> *ad uillam argentum meo qui debebat patri,*
> *qui ouis Tarentinas erat mercatus de patre.*"

[3] Cato *R. R.* LXXXIX: "*gallinas et anseres*"; XC: "*palumbum.*"

[4] Polyb. II. 15 (trans. Shuckburgh) *cf.* XII. 4.

of soil.[1] Irrigation and drainage were to be carried on extensively, and fertilization was recognized as extremely important.[2] In the words of Cato: "*Quid est agrum bene colere? bene arare. quid secundum? arare. quid tertium? stercorare.*" [3]

In spite of the intensive cultivation, however, the production of grain had already become less profitable than the use of the land for grazing purposes.[4] If the estate (*fundus*) was situated near Rome, of course the trade with the city offered a good opportunity for money-making, and vegetables of all kinds from the garden, live-stock, firewood from the trees and shrubs, all found a market there.[5] The *fundus* was to a large extent self-sufficing. Certain articles, nevertheless, were purchased from without, in which case the treatise advises the best places to buy them: the coarse clothing for the slaves, jars for storing-purposes (*dolia, labra*), keys, locks, and bolts were to be obtained at Rome; iron implements at Cales and at Minturnae; bronze vessels at Capua or Nola; baskets at Suessa or in Campania.[6]

In many cases public affairs or business enterprises might make it necessary for the owner of the *fundus* to have his

[1] Cato *R. R.* XXVII: "*Sementim facito, ocinum, uiciam, faenum graecum, fabam, eruum, pabulum bubus. alteram et tertiam pabuli sationem facito. deinde alia fruges serito. scrobis in uernacto oleis, ulmis, uitibus, ficis: simul cum semine serito. si erit locus siccus, tum oleas per sementim serito, et quae ante satae erunt, teneras tum supputato et arbores ablaqueato*"; XXXIV, XXXV.

[2] Irrigation and drainage: *ibid.* II. 4, CLV; construction of drains: XLIII. 1; fertilization: V. 8, XXXVII. 2, 3; XXXVIII. 4.

[3] *Ibid.* LXI. 1.

[4] Cato *Mem. Dict.* 63, ed. Jord. p. 108: "*a sene Catone cum quaereretur, quid maxime in re familiari expediret, respondit: bene pascere; quid secundum? satis bene pascere; quid tertium? bene arare.*"

[5] Cato *R. R.* VII. 1, VIII. 2.

[6] *Ibid.* CXXXV. 1-3.

residence at Rome. The superintendence of the farm work was then left to the *uilicus,* and this office was already very extensive. The proprietor visited the villa only at intervals to go over the accounts, to hear reports, and to issue instructions.[1] The general prevalence of the *uilicus,* which thus made possible the prolonged absence of the master, is an indication of a growing tendency to regard the city as the permanent home and the country as a place of retirement and rest. This sentiment finds expression in Terence: "My country estate offers me this opportunity—that I never become bored with either the farm or the city, but whenever I grow weary of one, turn to the other." [2]

[1] Cato *R. R.* II, V, CXLII. The *uilicus* is further discussed in the chapter on "Slaves".

[2] Ter. *Eun.* 971-3; *cf.* Liv. XXII. 15. 2: "*arbusta uineaeque et consita omnia magis amoenis quam necessariis fructibus*", indicating that at the time of the invasion of Hannibal the land was already being planted for other than utilitarian purposes.

CHAPTER II

Women and Marriage

In the Roman household or *familia* were included the husband and wife, their children (sons or unmarried daughters), the wives and children of the married sons, the slaves, and finally, the household gods. The head of the *familia* was the *pater,* and the property and things under his control were referred to as *sua res, res familiaris,* or *res communis.* The term *familia* itself is joined in formal expressions with *domus* as *domus familiaque.*[1]

Legal marriage could be contracted only by people politically capable of forming the alliance: a freeborn man could not marry a freedwoman. Exemption from this prohibition, however, could be granted by the Senate.[2] Marquardt states in general that the legal age for marriage was fourteen for the man and twelve for the woman, but that in practise the man did not marry until after the assumption of the *toga uirilis* (seventeen years), and the girl also married later than the age mentioned above. The most exact reference to the age of the girl in the *Palliatae* is in the

[1] Plut. *Cat. maj.* 24; Ter. *Hec.*: the wife and child of the married son living with the parents of the husband, *cf. Ad.* 910: "*traduce et matrem et familiam omnem ad nos*"; *Phorm.* 571: "*ipsam cum omni familia*"; Plaut. *Aul. Pro.* 2: "*ego Lar sum familiaris ex hac familia*"; Cato *R. R. passim.* Plaut. *Trin.* 114; Liv. XXII. 53. 11: "*sua res*"; Plaut. *Curc.* 552, *Trin.* 38: "*res priuata*"; *Stich.* 145, 525: "*res familiaris*"; *Amph.* 499: "*res communis*"; Cato *R. R.* CXXXIV. 2, CXXXIX, CXLI. 2: "*domus familiaque.*"

[2] Liv. XXXIX. 19. 5.

Phormio of Terence, in which a marriage is arranged for a girl of fourteen. That this was the accepted age is suggested by the words "*non manebat aetas uirginis meam neclegentiam.*"[1] Marriage was permitted between first cousins from the time of the second Punic War.[2]

The consent of the *patresfamilias* was the essential condition of the validity of the marriage. The *patresfamilias* of course were not in every case the fathers of the young couple, as when the paternal grandfather still lived, it was he who had the power as head of the house. It is interesting to note that while for the marriage of a man, the consent of both the father and of the grandfather—and if he were alive, of the great-grandfather—was asked, in the case of the marriage of a girl, the consent of the grandfather was asked without that of the father.[3]

In arranging a match, social and financial equality were usually considered more desirable than extreme wealth.[4] There were of course exceptions to this general feeling.

[1] Marquardt, *Vie privée des R.*, vol. i, p. 36. Ter. *Phorm.* 570-1 *cf.* 1017.

[2] Liv. XLII. 34. 3 (171 B. C.). "*pater mihi uxorem fratris sui filiam dedit.*"

[3] Girard, *Manuel élémentaire de droit romain* (Paris, 1911), pp. 155-6. Ter. *Phorm.* 733: "*infirmas nuptias,*" because the consent of the *pater* has not been obtained; *ibid.* 231-3: "*itane tandem uxorem duxit Antipho iniussu meo? | nec meum imperium, ac mitto imperium, non simultatem meam | reuereri saltem*"; *Ad.* 334: "*ita obsecraturum ut liceret hanc sibi uxorem ducere.*" Even in a later period when respect for the *patria potestas* was declining, a marriage which a youth had been forced by the *pater* to contract against his own wishes, was held to be legal, *cf.* P. Juventius Celsus, consul 129 A. D., Dig. XXIII. 2. (*de ritu nuptiarum*). 22, Karlowa, *Römische Rechtsgeschichte* (Leipsig, 1885), vol. i, p. 706.

[4] Considerations in arranging a marriage: Plaut. *Aul.* 212, *et seq.*: *genus, fides, facta, aetas.* Undesirability of a wealthy marriage for a poor girl: Plaut. *Aul.* 226, *et seq.*, *Trin.* 451, *et seq.*; Ter. *Phorm.* 653: "*in seruitutem pauperem ad ditem dari*" (for *in matrimonium*).

The humble client of Cato, for example, gladly accepted the proposal that he give his daughter in marriage to his noble patron. Probably in this case, however, the natural and expected deference of a *cliens* to the wish of his *patronus,* was effective in influencing his attitude. That such a union of persons in different stations was infrequent is suggested by the statement that "this proposal at first as might be expected, astonished the secretary, who . . . had never dreamed that his humble family would be allied with a house which could boast of consulates and triumphs." [1]

The unpleasant position of a poor man who foolishly gives his daughter in marriage to a rich husband is pictured to us in the following terms:

You are a rich man, Megadorus, a man of influential connections, while I am the poorest of the poor. Now if I gave my daughter to you in marriage, the thought suggests itself to me that you would be like an ox and I, like an ass; when I was yoked with you and could not bear an equal share of the burden, I, the ass, would lie prostrate in the mud, and you, the ox, would not consider me any more than if I had never been born. I would find you a bad match for me; my own class would laugh at me; and I would have nowhere to turn for refuge if there should be a divorce. The asses would tear me with their teeth, the oxen would gore me with their horns. It is a great risk—to rise from the rank of the asses to that of the oxen.[2]

The celebration of the marriage itself was preceded by the rite of betrothal. The agreement was cemented by the formula *spondesne . . . spondeo,* but except for the insistence upon the utterance of these specific words, no formal ceremony was called for. The *patres* of the young

[1] Plut. *Cat. maj.* 24.

[2] Plaut. *Aul.* 226, *et seq.*

couple arranged the match between them, or the suitor addressed himself personally to the *pater* of the girl. Witnesses of the betrothal contract were not required. They were frequently present, however, and possibly this was the general practice. The betrothal did not bind the two parties unalterably to the consummation of the marriage, as it might be broken off by a *repudium* on either side.[1]

The oldest form of marriage was the *manus* marriage. In this the wife came absolutely into the power of her husband and possessed a *peculium* only on sufferance. The condition of a wife in such a union is expressed by Plautus in the words: "A virtuous woman should have no *peculium* without the knowledge of her husband . . . whatever belongs to you is all of it absolutely the property of your spouse."[2] Certain passages in the comedies, however, indicate another form of marriage, a form in which the wife remained under the power of her *pater* and retained the right to her own property. The plays do not give us the name of this form, but it apparently corresponds to the marriage *sine conventione in manum.*[3]

[1] Arranged between *patres*: Ter. *And.* 102; *Ex incert. incert fab.* VIII, Ribb. *Frag. Com.* p. 114: "*sponden tuam gnatam filio uxorem meo*"; Liv. XLII. 34. 3. Between suitor and *pater*: Plut. *Cat. maj.* 24; Plaut. *Trin.* 1157-8, *Aul.* 238, 256-7, *Curc.* 674, *Poen.* 1157; Pacuvius *Dulorestes* II (12), Ribb. *Frag. Com.* p. 91. *Repudium*: Plaut. *Aul.* 783; Ter. *Phorm.* 928; *cf. And.* 148-9.

[2] Ter. *And.* 297: "*in manum*"; Titinius *Fullonia* I (4), Ribb. *Frag. Com.* p. 135: "*ego me mandatam meo uiro male arbitror | qui rem disperdit, et meam dotem comest*"; Plaut. *Cas.* 197-202.

[3] Plaut. *Stich.* 53: two married daughters refer to themselves as *in patri' potestate*; *Men.* 799-805: the father of the wife is angry not at the unfaithfulness of the husband but at his stealing gold and jewels from her; *cf.* Cato *Orat. reliq.* XXXII. 1, ed. Jord. p. 54: "*principio uobis mulier magnam dotem attulit, tum magnam pecuniam recipit, quam in uiri potestatem non committat. eam pecuniam uiro mutuam dat. postea, ubi irata facta est, seruum recepticium sectari et flagitare uirum*

There were three methods of entering into the *manus* marriage. (1) *Confarreatio*, or religious marriage. This had existed from a very early date. It was doubtless still retained among conservative aristocratic families, but it was becoming less frequent, and in any case was probably never open to plebeians. (2) *Coemptio*. This form is often described as "le mariage civil à côté du mariage religieux, le mariage plébéien à côté du mariage patricien". In it the bride was acquired in the same way as a slave or a valuable piece of property. (3) *Usus*—by prescription, if the wife remained with the husband continuously for one year. Rossbach describes this form as "das Resultat der Periode, wo man der *manus* schon zu entgehen suchte, ohne sie jedoch aufheben zu wollen". An example of the form is given in Plautus.[1]

The introduction of the marriage without *manus*, however, presented new difficulties. This marriage did not require any intervention of public authority. Its validity did not depend on the betrothal, the festivities and ceremonies, or the drawing up of a document regulating the pecuniary relations of the couple (*instrumentum dotale*), but on the other hand it was not formed simply by the

iubet"; Ennius *Cresphontes* III (7), Ribb. *Frag. Trag.* pp. 29-30:

> "*Iniuria abs te adficior indigna, pater,*
> *Nam si inprobum esse Cressipontem existimas,*
> *Cur me huic locabas nuptiis? Sin est probus,*
> *Cur talem inuitam inuitum cogis linquere?*"

Marquardt, *Vie privée des R.*, vol. i, p. 39.

Karlowa, *Römische Rechtsgeschichte* (Leipsic, 1885-1901), vol. ii, pp. 167-9, in his discussion of the marriage without *manus* considers that this form first became frequent in the lower classes of society and from there found its way more and more into the higher classes. On the basis of Macrob. I. 6 he concludes that "im Stande der Freigelassenen die Ehe ohne *manus* verbreiteter waren, als im Stande der Freigeborenen".

[1] Girard, *op. cit.*, pp. 151-3; Rossbach, *Römische Ehe* (Stuttgart, 1853), p. 65. Plaut. *Truc.* 392-3.

interchange of nuptial consent. In some cases the *ductio uxoris in domum mariti*—the leading of the bride to her new home—was regarded as the criterion of completed marriage.[1]

The ceremony with its careful preparations to make *sanctas nuptias*[2] customarily took place in the home of the bride. While the comedies give instances of the *cena* taking place in the home of the groom, it is in that case possible that a large part of the marriage ceremony was omitted. In the *Aulularia* of Plautus the groom provides the provisions for the banquet, but this occurrence is plainly regarded as unusual and surprising, and is explained by one of the characters of the play on the ground of the poverty of the father of the bride. Moreover, even here, the latter feels it incumbent upon him to purchase at least "a trifle of incense and floral wreaths" to decorate his house for the ceremony, and the fact that the banquet, although he does not pay for the provisions, is nevertheless served in his house, indicates this as the recognized usage.[3]

The ceremony was a lengthy affair. Auspices were taken first in order to assure propitious conditions. It was necessary that the household gods of the family of the bride and of the family of the groom should approve in order that the marriage prove *fortunata*. In the adornment of the house for the ceremony, therefore, wreaths were hung on the hearth for the Lar and incense burned. The ceremoney ended with a *cena*.[4]

[1] Girard, *loc. cit.*, *cf.* Muirhead, *Historical Introduction to the Private Law of Rome* (London, 1899), p. 323.

[2] Ter. *Ad.* 899-900: "*sanctas nuptias ... consumunt diem.*"

[3] Plaut. *Curc.* 728, *Aul.* 261, *et seq.*, 294-5: "*hic non poterat de suo | senex opsonari filiai nuptiis?*" *Ibid.* 384-7.

[4] Plaut. *Cas.* 86: "*ultro ibit nuptum, non manebat auspices*"; *Aul.* 386-7; Ter. *Ad.* 699: "*abi domum ac deos conprecare ut uxorem accersas*"; *Ex incert. incert. fab.* XXIV, Ribb. *Frag. Com.* p. 117: "*cum tetulit coronam ob colligandas nuptias.*"

At nightfall the banquet came to an end, and the *deductio* took place—the leading of the bride to her new home. The *deductio* was the occasion for a festal procession preceded by flute-players and torch-bearers, which finally congregated in a merry throng before the house of the groom.[1] Upon her arrival the *noua nupta* annointed the posts of the door and bound them with bands of wool.[2] Great care had to be taken in crossing the sill to avoid the ill omen of stumbling.[3]

The existence of a dowry was the distinguishing feature of *matrimonium*, for without a dowry marriage with equality on both sides was considered impossible.[4] The size of the dowry naturally varied. In the *Heauton* of Terence a modest dowry of only two talents is given, but in the *Andria* and in the *Mercator* of Plautus ten talents are mentioned; in the *Cistellaria* twenty talents: Polybius tells us the dowry of the wife of L. Aemilius Paulus was twenty-five talents; and in some cases the amount reached as high as fifty talents.[5]

[1] Plaut. *Cas.* 118, 533, 798, 856: "*ludos in uiam nuptialis*"; Ter. *Hec.* 135: "*uxorem deducit domum*"; *Ad.* 907: "*hymenaeum turbas lampadas tibicinas*"; Pacuvius *Dulorestes* I (4), Ribb. *Frag. Trag.* p. 91: "*hymenaeum fremunt | Aequales, aula resonit crepitu musico.*"

[2] Don. *ad. Ter. Hec.* I. 2. 60. "*uxor dicitur uel ab ungendis postibus et figenda lana, id est quod cum puellae nubcrent, maritorum postes ungebant ibique lanam figebant.*"

[3] Plaut. *Cas.* 815-6: "*sensim super attolle limen pedes, noua nupta.*"

[4] Plaut. *Trin.* 690-1: "*in concubinatum tibi, | si sine dote <dem>, dedisse magi' quam in matrimonium*" *cf.* Ter. *Phorm.* 653: "*in seruitutem pauperem ad ditem dari*"; *Ad.* 758-9, *Phorm.* 120, *And.* 396; Plaut. *Aul.* 27, 191, *Curc.* 664, *Trin.* 505, *et seq.*

[5] Ter. *Heaut.* 838, 940, *And.* 951; Plaut. *Merc.* 703, *Cist.* 561; Polyb. XVIII. 35, XXXII. 13. The dowry was not usually paid all at one time. The Roman law enjoined the payment of money due to women as dowry in three annual installments, "the personal outfit having been first paid within ten months according to custom." Sometimes half the dowry was paid down at once to the husbands. (Polyb. XXXII. 13.)

The amount of the dowry greatly influenced the relations of the wife to her husband, a large dowry naturally giving the wife more assurance and independence. The question of the dowry is frequently brought up in Plautus and is always the subject of satirical comment and adverse criticism—the husband has sold his authority in receiving the dowry (*Asin.* 87); a dowry and money seem attractive before marriage but not after (*Epid.* 180); to marry a rich wife is to bring a barking dog into the house (*Mil. Glor.* 681); and so on.[1] These and similar passages indicate that whenever there was a large dowry, the *manus* of the husband was correspondingly weakened.

Lacombe, *La Famille dans la société romaine* (Paris, 1889), p. 191, *et seq.*, maintains the following theory: that as there were no *cautiones* nor actions for dowry before 231 B. C., it is probable that the custom of the dowry was established in Rome about the beginning of the second century B. C.; that as Plautus is one of the first witnesses for the existence of the dowry, his criticism of it is possibly to be explained on the ground of its being a still recent innovation, especially as Valerius Maximus (IV. 4) seems to indicate the appearance of the custom of dowry at approximately this time; that the presence of the dowry made marriage *in manu* undesirable, and therefore the bride came to remain more and more *in patria potestate.*

This theory, however, is entirely unsubstantiated. The passage of Servius (Aul. Gell. IV. 3. 1, 2.) explains the lack of actions for dowry by the absence of divorce, and the passage from Valerius Maximus does not appear to establish the introduction of the dowry but rather its recog-

[1] *Cf.* Plaut. *Most.* 281, 703, *et seq.*; Titinius *Procilia* III (1), Ribb. *Frag. Com.* p. 144: "*dotibus deleniti ultro etiam uxoribus ancillantur*"; Caecilius Statius *Plocium*, Ribb. *Frag. Com.* p. 58, *et seq.*: "*quae nisi dotem omnia | quae nolis, habet.*"

nized necessity. While among the fragments of the Tables there is none that refers to a wife's marriage provision (*dos*), it is hardly conceivable that it was as yet unknown.[1]

Women were still legally regarded as dependent. According to the conservative idea, which Cato wished to uphold, women were not allowed to transact even private business *sine tutore auctore,* and were *in manu . . . parentium, fratrum, uirorum.*[2] As the *manus* marriage became less frequent, the woman remained, when not in the power of her husband, under the power of her own *paterfamilias,* or if she was *sui juris,* under the guardianship of her agnates. The passages from Livy, cited below, in regard to the authority exercised over a woman are obscure. In the expression *mulieres damnatas cognatis aut in quorum manu essent,* it is uncertain (1) whether he refers to two separate classes of women, i. e. those who were *in manu* and those who were not, in which case *cognatis* is used in a general sense to include agnates, or (2) whether he uses the term *cognatis* to refer to those who had originally been the agnates of the wife, and were now her cognates. Mommsen notes these two passages, but he does not settle the question as to the meaning of the term *cognatis,* as he renders it by "Verwandten", which is equally indefinite.[3] According to Livy, a husband could confer on his wife by will the right of choosing her own guardian and of alienating her property.[4] If the woman had neither

[1] Muirhead, *op. cit.*, pp. 111-2.

[2] Liv. XXXIV. 2. 11.

[3] Plaut. *Stich.* 53: "*in patri' potestate*". Girard, *op. cit.*, p. 167. Liv. XXXIX. 18. 6: "*mulieres damnatas cognatis aut in quorum manu essent tradebant*"; Liv. *Ep.* XLVIII: "*cognatorum decreto necatae sunt*". Mommsen, *Römisches Strafrecht* (Leipsig, 1899), p. 19.

[4] Liv. XXXIX. 19. 5: "*datio deminutio . . . tutoris optio item essent, quasi ei uir testamento dedisset.*"

a statutory or a testamentary guardian, the magistrates had the right to appoint a guardian for her. The *patronus* was the guardian of an unmarried *liberta*.[1]

In free marriage the dowry became the property of the husband, and the fact that he was as a rule under an obligation to restore the *dos* afterwards, did not diminish the extent of his powers. According to the civil law of the Republic, the husband was legally entitled to keep the *dos* even after the termination of the marriage, altho it was customary for him to return it. It therefore became the usual practise for the person giving the *dos*, to bind the husband by an express agreement—a stipulation known as the *cautio rei uxoriae*—to return the *dos* on the dissolution of the marriage. About 200 B. C. an action, *actio rei uxoriae*, was granted for the recovery of the *dos*, even where there had been no express agreement for its return.[2] In regard to the rest of their property, the husband and wife in the marriage without *manus* remained in theory independent of each other, altho the woman might of course entrust her property to her husband.[3] This condition of things was favorable to the concentration of capital in the hands of women, and they gained increasing independence along these lines, altho the state attempted to check it by the *lex Voconia "ne quis . . . heredem, uirginem, neue mulierem faceret."*[4]

[1] Liv. XXXIX. 9. 7.

[2] Sohm, *Institutes* (Oxford, 1907), p. 467, *et seq.*

[3] Cato *Orat. reliq.* XXXII. 1, ed. Jord. p. 54; *cf.* Plaut. *Men.* 799-805. Girard, *op. cit.*, p. 167.

[4] The date of this law is disputed. Twiss, in his edition of Livy (Oxford, 1840-1), XLI. 28n., takes up the question. He points out that Cicero (*in Verr.* II. i. 42) states that Voconius established concerning those of whom a census should be taken after A. Postumius and Q. Fulvius were censors, so that these censors seem clearly to have been mentioned in the law. The appointment of these censors is

The exact date at which divorce was admitted to Rome is uncertain. The first case was given by the ancients themselves at that of Sp. Carvilius in 231 B. C., but probably this signifies little more than that it was the first which was generally known. An earlier case is mentioned in 306 B. C.[1] When the *manus* had been acquired by the religious ceremony of *confarreatio*, a contrary religious act, the *diffarreatio*, was required to dissolve the marriage, but marriages by *coemptio* or *usus* were dissolved by *remancipatio*.[2] Cicero gives the formula of repudiation of the XII Tables as *claues adimere, exigere*, but Muirhead believes that the procedure to which Cicero alludes, can hardly have applied to the marriage contracted by *confarreatio* or *coemptio*,

mentioned XLI. 27, and there is no lacuna intervening. Therefore, it follows that Livy treated of the Voconian law at the end of the book. Cicero (*de Senect.* 14) states that the Voconian law was passed in the consulship of Caepio and Philippus, who were consuls five years later. Twiss explains this discrepancy on the grounds that Livy and Cicero differed as to the date of Cato, Livy making him five years older than Cicero does. Cicero (*loc. cit.*) writes that Cato advocated the Voconian law at the age of sixty-five, which year of the life of Cato would fall according to Cicero's chronology in the year of the consulship of Caepio and Philippus, while according to Livy the sixty-fifth year of Cato's life would be five years earlier and therefore fall in the consulship of Sp. Postumius and Q. Mucius, *i. e.* 174 B. C. where Twiss puts the law; *cf.* XXXIX. 40. 12n. "*qui sextum et octogesimum annum agens causam dixerit*": according to Cicero (*de Senect.* 10) Cato was born the year before Q. Fabius Maximus was first made consul. Therefore, since it is agreed that he died in the consulship of L. Marcius Censorinus and M'. Manilius in the first year of the Third Punic War, it follows that he lived only eighty-five years. Doubtless, however, Livy used other authorities, for by the sentence following, "*nonagesimo anno Ser. Galbam ad populi adduxerit iudicium*," in the year in which Cato accused Galba, which was the last year of his life, Livy makes Cato ninety years old. Therefore there is a discrepancy of five years in the estimates of the age of Cato, which may account for the discrepancy in the date of the law.

[1] Aul. Gell. IV. 3. 1-2; Val. Max. II. 9. 2 *cf.* Liv. IX. 43. 25.

[2] Sohm, *op. cit.*, p. 474, *et seq.*

and probably referred to the loose and informal plebeian marriage.[1] The formulae *tuas res habeto* and *i foras* are found in Plautus.[2]

Under the *manus* marriage the wife did not have the power either to require or prevent a divorce, but the right of breaking off the marriage without *manus* was naturally permitted to both those whose consent was required for its formation. If the dissolution of the marriage was due to the fault of the wife, the husband was permitted to make certain deductions in returning the *dos*, and similarly if the divorce had been occasioned by the husband, he was subjected to certain penalties. During the second century B. C. divorce became more easy and frequent until in the late Republic there was no need of serious motive.[3]

There is some indication in Plautus that when the husband had been absent three years, and the wife had not received news of him, a new marriage might be legally contracted.[4] This three-year law does not appear definitely stated

[1] Cic. *Phil.* II. 28. 69; Muirhead, *op. cit.* pp. 112-3.

[2] Plaut. *Trin.* 266: "*tuas res tibi habeto*"; *Amph.* 928: "*tibi habeas res tuas, reddas meas*"; *Cas.* 210-2: "*i foras.*"

[3] Girard, *op. cit.*, p. 160, *et seq.*; Sohm, *op. cit.*, p. 469. Divorce by wife: Plaut. *Amph.* 928; *Mil. Glor.* 1166-7: "*hasce esse aedis dicas dotalis tuas, | hinc senem aps te abiisse, postquam feceris diuortium*". Divorce by husband: Plaut. *Men.* 113, *Cas.* 210-2; Ter. *Hec.* 154-5: "*reddi patri autem, quoi tu nil dicas uiti, | superbumst*"; *ibid.* 502: "*renumeret dotem huc, eat*"; Plut. *Aem. Paul.* 5: "after living with her [Papiria] for a considerable time, divorced her.... No reason for their separation has come down to us." Cato *Orat. reliq.* LXVIII. 1, ed. Jord. p. 68: "*Vir cum diuortium fecit, mulieri iudex pro censore est, imperium quod uidetur habet; si quid peruerse taetreque factum est a mulicre, multatur; si uinum bibit, si cum alieno uiro probri quid fecit, condemnatur*"; *ibid.* LXVIII. 2. Cic. *ad Fam.* VIII. 7: "*Paula Valeria, soror Triari, diuortium sine causa, quo die uir e prouincia uenturus erat, fecit.*"

[4] Plaut. *Stich.* 29-30: "*nam uiri nostri domo ut abierunt | hic tertius annus.*"

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among the laws of the period, but its existence is suggested by analogy with later legislation. The following laws under the Empire offer a source from which the inference may be drawn: (1) the right of *postliminium* was not exercised on the wife, and after the proscribed time, *post constitutum tempus*, she could remarry (D. XLIX. 15. 8); (2) in case of the absence of the father, if no news had been received from him, the children might contract a marriage after three years had elapsed (D. XXIII. 2. 10, 11); (3) the wife might remarry if the husband had been absent four years for military service and she had been unable to obtain information about him (C. V. 17. 7).

The approved occupations of the Roman matron are largely summarized by the formula of farewell addressed to her by her husband—*cura rem communem.*[1] These occupations endured in greater or less degree even with the increase of luxury. She superintended the management of the household;[2] occupied herself with spinning and weaving;[3] nursed her children or, if a nurse was employed, at least shared in the care of them and watched over their education.[4] At meals she took her place with her husband, sitting not reclining,[5] and was often given an

[1] Plaut. *Stich.* 145: "*curate igitur familiarem rem ut potestis optume*"; *ibid.* 525; *Amph.* 499: "*cura rem communem.*"

[2] Plaut. *Cas.* 144: "*obsignate cellas, referte anulum ad me*"; *ibid.* 261: "*me sinas curate ancillas, quae mea est curatio*"; *Pers.* 267; Fabius Pictor *Graecae Historiae* 27, Peter, *Hist. Rom. Rel.* vol. i, p. 39: "*Fabius Pictor in annalibus suis scripsit matronam, quod loculos, in quibus erant claues cellae uinariae resignauisset, a suis inedia mori coactam.*"

[3] Plaut. *Men.* 120-1, *Cas.* 170-1, *Mil. Glor.* 686-9; Ter. *Heaut.* 293.

[4] The question of nurses is considered in detail in the chapter on "Children." The wife of Cato nursed her children herself *cf.* Plut. *Cat. maj.* 20.

[5] Decimus Laberius *Compitalia* I (2), Ribb. *Frag. Com.* p. 284: "*mater familias tua in lecto aduerso sedet*"; Plaut. *Amph.* 804, *Stich.* 515.

active part in his affairs, feeling that she should be consulted on all matters which concerned the interests of the family and especially the marriage of their children.[1] While it was not customary for her to go out unaccompanied nor to be present at the entertainments of men, there was a certain amount of visiting among friends and neighbors, and she might also attend religious ceremonies, solemn banquets, and public spectacles.[2]

The commonly accepted view that the conventional limitation of the Roman matron's sphere of interest to the household necessarily implied a position much inferior to that of the woman of to-day is a view which must be to some extent modified. The Roman household and its affairs were larger and more varied in scope than are the modern. Many more articles of domestic use were made at home, and upon the matron, as has been said, developed the superintendence of the household slaves in their various activities. A realization of the number of slaves and of their place in Roman society and industry is significant as an evidence of the amount of responsibility which the Romans entrusted to their women.

The Roman matron was treated with deference by every member of the household, and the slave, male or female, who was impudent to her in any way did not go unpunished.[3] The comedies, in particular, prove the general prevalence of this attitude of respect, for although they ridicule and

[1] Influence of women *cf.* Plut. *Cat. maj.* 8; Liv. XXXIX. 11. 3, XXXVIII. 57. 7.

[2] Plaut. *Amph.* 929: "*iuben' mi ire comites*"; *Merc.* 404, *Stich.* 113-4; Naevius *Danae* VI (3 *inc. com.* 4) 8, Ribb. *Frag. Trag.* p. 7: "*desubito famam tollunt, si quam solam uidere in uia.*" Ter. *Eun.* 626: "*in conuiuium illam?*" Cato *Orat. reliq.* XXXIX, ed. Jord. pp. 56-7: "*domo . . . egreditur ad ceteras matronas.*" Ter. *Hec.* 592: "*tuas amicas te et cognatas deserere et festos dies*"; Pol. XXXII. 12.

[3] Plaut. *Men.* 620, *et seq.*

satirize all classes of citizens from the newly emancipated slaves to the supposedly dignified senators,[1] they never reflect in any way upon the virtue of the matron.[2] Their characterizations, moreover, give us some idea of her essential traits, and in practically every case—in the independently wealthy matrons of the *Phormio* or of the *Menaechmi*, in the gentle Sostrata of the *Hecyra*, in the unjustly accused Alcmena of the *Amphitruo*, the matron always maintains a proper sense of her own dignity and superiority. Not only in their general delineation of her but also in specific terms the comic writers emphasize this fact. Such expressions as "*matronali pudore*" and "*tuam maiestatem et nominis matronae sanctitudinem*" are conclusive in their significance.[3]

The general increase of wealth, which affected practically every phase of social life in this period, inevitably influenced the character and position of women. The Oppian law, passed in 215 B. C., had vainly attempted to check their increasing tendency towards extravagance and display, and after its repeal in 195 B. C. the Roman women began more and more to array themselves in gorgeous toilets, to wear an abundance of rich jewelry, and to drive through the city in expensive carriages. They employed both male and

[1] Ridicule of senators: Plaut. *Epid.* 189, *Cas.* 536, *Asin.* 871.

[2] *Cf.* Don. *ad Ter. Hec.* V. 2. 8.

[3] Decimus Laberius *Compitalia* II (3), Ribb. *Frag. Com.* p. 285; Afranius *Suspecta* IX. 4, Ribb. *Frag. Com.* p. 206.

It is interesting to note that the Romans did not desire extreme beauty in their wives. Ennius voices this preference for the golden mean, *cf. Melanippa* VI (6), Ribb. *Frag. Trag.* p. 52: Aul. Gell. V. 11: "*inter enim pulcherrimam feminam et deformissimam media forma quaedam est ... qualis ab Q. Ennius 'in Melanippa' [sic Rott. Vat.] perquam eleganti uocabulo stata dicitur ... Ennius autem in ista quam dixi tragoedia eas fere feminas ait incolumi pudicitia esse, quae stata forma forent.*"

female slaves in their personal service and required a long list of workmen of every kind to satisfy their wants. Styles in dress apparently changed almost as rapidly and were adopted almost as eagerly as at present. Cato is of course prejudiced in his description of "*mulieres opertae auro purpuraque; arsinea, rete, diadema, coronas aureas, rusceas fascias, galbeos lineos, pelles, redimicula*", of women who "*capillum cinere unguitant, ut rutilus esset*", but others recognized the same condition.[1] Consider for example one of the speeches found in Plautus:

"Ep. *sed uestita, aurata, ornata ut lepide, ut concinne, ut noue!*

Pe. *quid erat induta? an regillam induculam an mendiculam?*

Ep. *impluuiatam, ut istaec faciunt uestimentis nomina.*

Pe. *utin impluuium induta fuerit?* Ep. *quid istuc tam mirabile est?*

quasi non fundis exornatae multae incedant per uias.
at tributus quom imperatus est, negant pendi potis:
illis quibu' tributus maior penditur, pendi potest.
quid istae quae uestei quotannis nomina inueniunt noua?
tunicam rallam, tunicam spissam, linteolum caesicium,
indusiatam, patagiatam, caltulam aut crocotulam,
subparum aut—subnimium, ricam, basilicum aut exoticum,
cumatile aut plumatile, carinum aut cerinum—gerrae maxumae!

[1] Oppian law *cf.* Liv. XXXIV. 1. 3. "*ne qua mulier plus semunciam auri haberet nec uestimento uersicolori uteretur, neu iuncto uehiculo in urbe oppidoue aut propius inde mille passus nisi sacrorum publicorum causa ueheretur.*" Plaut. *Mil. Glor.* 691-6, *Aul.* 167-9, 498, *et seq.*, *Epid.* 222, *et seq.*, *Trin.* 250-5. Caecilius Statius *Karine* I (1), II (2), Ribb. *Frag. Com.* p. 53. Titinius *Barbatus* II (8), Ribb. *Frag. Com.* p. 133. Liv. XXXIX. 44. 2 on the censorship of Cato: "*ornamenta et uestem muliebrem et uehicula, quae pluris quam quindecim milium aeris essent, deciens pluris in censum referre iuratores iussit.*" Polyb. XXXII. 12. Cato *Orig.* 113, 114, 115, Peter, *Hist. Rom. Rel.* vol. i, pp. 91-2.

cani quoque etiam ademptumst nomen. Pe. *qui?* Ep. *uocant Laconicum.*

haec uocabula auctiones subigunt ut faciant uiros." (*Epid.* 222-235).

Many of the Roman women interested themselves in the emotional foreign cults. This condition is illustrated by the fact that the Bacchanalia on their introduction to Rome "*primo sacrarium.... ... feminarum fuisse, nec quemquam eo uirum admitti solitum.*"[1] It is an indication of the changing position of women that at this time statues were set up in the provinces to Roman women, although there was conservative protest against this.[2]

As the main object of marriage was the perpetuation of the family and its religion—*sacrorum familiaeque*—both the family and the state endeavored to encourage it.[3] *Praemia patrum* are mentioned although it is uncertain of what they definitely consisted, and in 168 B. C. *libertini* who had a son five years of age or over, were given certain political privileges.[4]

In spite of this official attitude, however, repugnance for the constraint of marriage, the irresponsible spirit of comfort, the solicitous attentions of relatives and friends who might hope to receive a share of the inheritance—all these

[1] Liv. XXXIX. 13. 8.

[2] Cato *Orat. Cens.*, ed. Jord. p. 51: "*extant Catonis in censura uociferationes, mulieribus Romanis in prouinciis statuas poni.*"

[3] Liv. XLV. 40. 7: "*sacrorum familiaeque.*" Plaut. *Aul.* 148-50: "*liberis procreandis— | ita di faxint—uolo te uxorem | domum ducere,*" *cf. Capt.* 889, *Mil. Glor.* 682; Ter. *Hec.* 119; Ennius *Andromeda* II (1), Ribb. *Frag. Trag.* p. 27, *Cresphontes* IV (2), Ribb. *Frag. Trag.* p. 30; Plut. *Cat. maj.* 24; "I only desire to leave behind me more sons of my race, and more citizens to serve the state"; *ibid.* 16: "none of a man's actions, his marriage, his family ... ought to be uncontrolled."

[4] Aul. Gell. V. 19. 15: "*praemia patrum.*" Liv. XLV. 15. 1, 2.

considerations combined to make celibacy desirable. The growing spirit of the times is well expressed by an eligible bachelor in the *Miles Gloriosus* of Plautus, who says:

My house is free; I too am free; I want to enjoy life. Thanks to my own riches I could take to myself a wife well-dowered and of noble lineage, but I don't want to bring a barking dog into the house. . . . As long as I have a host of relatives, what need have I for children? Now I live in comfort and happiness, doing just as I please and following my own inclinations. (*Mil. Glor.* 678, *et seq.*)

CHAPTER III

Children and Education

(a) children

The authority of the head of the house over his children is denoted in Plautus most frequently by *imperium*, a general term which is applied as well to his authority over his wife and over the slaves. The terms *patria potestas, ius, patria maiestas* are also used.[1] As to the extent of this authority Marquardt states that at Rome the natural relation of the physical and moral dependence of children upon the father is pushed to extremes, giving the father the absolute power to dispose of his children and authorizing him to expose them, sell them, or have them put to death. The numerous references to exposure in the plays of this period, however, are due rather to the conventional type of plot of the *Palliatae*, which hinged so often on the loss of a child and the subsequent recognition than to any widespread practice. While the absolute power of the father over his children was recognized as legal, it was mitigated by filial devotion (*pietas*) on the part of the children and by custom and natural affection on the part of the parents. The power of life and death, moreover, was limited by law, and instances of the exercise of this power during the later Re-

[1] *Imperium* over children: Plaut. *Stich.* 141, *Pers.* 343, *Asin.* 147, 509; Ter. *Heaut.* 233, *Phorm.* 232; over wife: Plaut. *Asin.* 87; Ter. *Heaut.* 635; over slaves: *Amph.* 262, *Men.* 1030, *Capt.* 306, *Truc.* 125; *patris potestas*: *Stich.* 53, 69, *Pers.* 344; *ius*: *Asin.* 147; Ter. *Hec.* 243-4; *maiestas*: Liv. XXIII. 8. 3.

public are explainable on religious grounds, or as an anticipation of an ordinary legal penalty.[1]

The adopted son held the same position as the son by birth. He had the same right of inheritance and stood in the same position of relationship to the family into which he had been taken. He ceased to be a member of the family into which he had been born, and had towards it no obligations, such, for example, as the continuance of its religious rites.[2] In spite of this legal exemption from obligation, however, the son who had been given in adoption might very naturally continue to feel bound by ties of affection to his parents by birth.[3]

Paternal authority was first exercised immediately after the birth of the child. The infant was laid at the father's feet, and if he took it up (*tollere, suscipere*), he acknowledged it as his. There is a suggestion that in case of the

[1] Marquardt, *Vie privée des R.*, vol. i, p. 3. Plaut. *Stich.* 72: "*aduorsari sine dedecore et scelere summo hau possumus*" *cf. Asin.* 509, *Stich.* 53; Ter. *And.* 262. Plaut. *Cas.* 262-3: "*filio ... opitulari unico*"; Ter. *Hec.* 244: "*patrio animo uictus.*" The right of exposure was limited from earliest times *cf.* Dion. II. 15, but by the law of the XII Tables every misformed child was put to death *cf.* Cic. *de Leg.* III. 8. 19. Abortions thrown into the sea as they were believed to be ill-omens: Liv. XXVII. 37. 5-6, XXXI. 12. 8; persons implicated in a conspiracy against the state, who were put to death by their families: Dio XXXVII. 36 (63 B. C.).

On the extent of the *patria potestas cf.* Sohm, *op. cit.*, pp. 482-3, Girard, *op. cit.*, p. 137, *et seq.*, who says: "L'unité d'existence et d'autorité qu'elle implique dans la famille peut convenir à un État petit et pauvre, à une population respectueuse de ses traditions, dépourvue d'esprit critique et d'esprit d'entreprise. Or, à Rome, ces conditions avaient disparu longtemps avant la fin de la République."

[2] Liv. XLV. 40. 7, 41. 12; Plaut. *Poen.* 76-7: "*eumque adoptat sibi pro filio | eumque heredem fecit.*" Aul. Gell. V. 19. 15: "*animaduertimus in oratione P. Scipionis, ... inter ea quae reprehendebat, quod contra maiorum instituta fierent, id etiam eum culpauisse, quod filius adoptiuos patri adoptatori inter praemia patrum prodesset.*"

[3] Polyb. XXXII. 12.

absence of the husband, the authority might be delegated to his wife.[1] If acknowledgment was refused, the child was exposed, that is, handed over to a slave who took it from the house and abandoned it. The future of a child thus exposed was uncertain—it might die, or if found and raised, would probably become a slave. Sometimes small articles of jewelry, *crepundia,* were left with the child, by which it might later be identified. Such objects were sometimes called *monumenta.*[2]

The first week of the child's life was marked by certain domestic rites in honor of Juno Lucina. A sacrifice is mentioned in Plautus on the fifth day after birth, but this is possibly a reference to the Greek rite ἀμφιδρόμια, which took place on the fifth day and was the occasion of the naming of the child, corresponding in this to the Roman *dies lustricus,* the ninth day after birth for a boy, the eighth for a girl.[3]

Early in the life of the child—according to Ussing, on the first birthday (*cf.* Plautus, *Rudens* 1171)— the *bulla* was presented to the child by the father. This ornament was for a long time the mark of *pueri ingenui,* but at the time of the second Punic War the children of freedmen obtained the right to wear one of leather.[4] The *bulla* was a round medallion hung around the neck. Marquardt states

[1] Ter. *And.* 401; Plaut. *Amph.* 501: "*quod erit natum, tollito.*"

[2] Plaut. *Cist.* 123-4, 166, 635-6, *Cas.* 40-6; Ter. *Heaut.* 614-5, 640: "*uel uti quaestum faceret uel uti ueniret palam*"; Plaut. *Rud.* 390: "*qui suos parentes noscere posset*"; Ter. *Eun.* 753: "*monumenta*".

[3] Plaut. *Truc.* 476: "*ignem in aram, ut uenerem Lucinam*"; *ibid.* 423-4: "*dis hodie sacruficare pro puero uolo | quinto die quod fieri oportet.*"

[4] Ussing, *Erziehung und Jugendunterricht* (Berlin, 1885), p. 45 *cf.* Plaut. *Rud.* 1171: "*bulla aurea est pater quam dedit mi natali die.*" Macrob. *Sat.* I. 6. 8, et seq.; Liv. XXVI. 36. 5: "*filio bullam*", referring to the *bulla aurea* of the children of senators.

that it might also be in the shape of a heart, citing from Macrobius, *Sat.* I. 6. 17, the words *cordis figuram.* The sentence of Macrobius taken as a whole, "*cordis figuram in bulla ante pectus adnecterent,*" does not seem to indicate this positively, as the usual expression to denote the meaning adopted by Marquardt would be *bullam cordis figura.*[1] In general boys wore the *bulla* until the assumption of the *toga uirilis* and girls until their marriage, but in one case in Plautus the *bulla aurea* of the girl, although preserved, was not worn but laid aside with the childish *crepundia.*[2]

The *crepundia* were little metal trinkets strung together and hung around the neck of the child. Plautus describes a typical collection of such miniature objects: a gold sword with the name of the father, a gold double-axe with the name of the mother, a silver sickle, two clasped hands, a pig. These *crepundia* were presented to the child by members of the household and by the household slaves. They served as a protection against *fascinatio* (Ussing points out in the "*sicilicula argenteola*" a resemblance in form to the crescent, and Plautus in the *Epidicus* mentions a *lunula,* evidently a half-moon shaped amulet, given to the child by one of the slaves of the household), and as a means of identification if the child were lost or stolen.[3] They were further useful as a plaything—a kind of rattle.

The old Roman custom of the nursing and care of the infant by the mother still continued in some cases.[4] In this period, however, we already find reference to the employment of nurses, a custom which had become general by the

[1] Marquardt, *Vie privée des R.*, vol. i, p. 100.

[2] Plaut. *Rud.* 1154, *cf.* 1171.

[3] Plaut. *Mil. Glor.* 1399: "*quasi puero in collo pendant crepundia*" *cf. Rud.* 1081; list of *crepundia*: *ibid.* 1154, *et seq.*; Ussing *op. cit.*, p. 43 *cf.* ed. Plaut. *Rud.* 1156 n., Oxford ed. 1169 *cf. Epid.* 640.

[4] Plut. *Cat. maj.* 20.

time of Cicero.[1] Marquardt states that the nurse was usually a woman of free status belonging to the family, but in some cases in Plautus and Terence the nurse (*nutrex*) is a slave (*ancilla*), and in others is evidently not from the household but summoned from outside.[2] The name *mater* was sometimes given to the *nutrex*, apparently from affection, and in the *Mercator* the *ancilla* refers to her young master as "*erus atque alumnus.*"[3] Even when there was a nurse, the mother assisted in the care of the child.[4] The child was rocked in a cradle (*cunae*).[5]

There is little information about the amusements and playthings of the children. The *crepundia* have already been mentioned. There were in addition various sports and pastimes, such as games of ball, walking on stilts (*grallae*), playing horse, and the like. Pets were more common than at present, especially dogs and various kinds of birds.[6]

[1] Plaut. *Men.* 19-21: "*uti mater sua | non internosse posset, quae mammam dabat, | neque adeo mater ipsa quae illos peperat*" *cf.* Cic. *Tusc.* III. 1. 2: "*ut paene cum lacte nutricis errorem suxisse uideamur.*"

[2] Marquardt, *Vie privée des R.*, vol. i, p. 106 *cf. nutrex* a slave: Plaut. *Merc.* 509, 809, *Poen.* 1130 *cf.* Tac. *Dial.* 29: "*natus infans delegatur Graeculae alicui ancillae,*" which would seem to indicate that in a later period as well the *nutrex* was not of free condition but a slave; *nutrex* summoned from outside: Plaut. *Truc.* 903; Ter. *Hec.* 726: "*immo uero abi, aliquam puero nutricem para.*"

[3] *Mater*: Plaut. *Men.* 19, *Merc.* 809.

[4] Plaut. *Truc.* 902-3: "*matri autem quae puerum lauit | opu' nutrici, lact' ut habeat.*"

[5] Plaut. *Pseud.* 1177, *Amph.* 1107, *Truc.* 905.

[6] Plaut. *Bacc.* 428: *pila*; *Poen.* 530: "*gralatorem gradu*"; *Asin.* 700, *et seq.*: the master carries the slave on his back "*ut consuetus es puer olim*"; *Capt.* 1002-3: "*quasi patriciis pueris aut monerulae | aut anites aut coturnices dantur, quicum lusitent.*" Dogs: Plaut. *Most.* 849; Ter. *And.* 56-7; Plut. *Aem. Paul.* 6.

(b) GENERAL EDUCATION

The period under discussion marks a new phase in the history of Roman education. Marquardt states that up to approximately 150 B. C. it is possible to "grasp the real originality of the old system of education which is half effaced later . . . the system of education confided without reserve to the family," [1] but it is evident that the change had begun at a much earlier date. Wealthy families of the third century were already entrusting to Greek slaves a part in the education of their children. Before 240 B. C. Andronicus, who had been among the prisoners from Tarentum in 272 B. C., received his liberty from his master Livius because of his excellent qualities in instructing his master's children. Before the end of the century (after 231 B. C.) the first school at Rome, according to Plutarch, was opened by Spurius Carvilius, a freedman.[2]

Ussing modifies the statement of Plutarch by the explanation that this Carvilius was doubtless the first teacher whose name was known, and considers that schools existed at Rome long before. He bases his conclusion (1) on the references in Livy III. 44. 6 (449 B. C.), V. 27. 1 (394 B. C.), and Dion. XI. 28; (2) and in his opinion more con-

[1] Marquardt, *Vie privée des R.*, vol. i, p. 97.

[2] Suet. *de Poetis*, ed. Roth, p. 291. The first dramatic work of Livius was produced in 240 B. C., when he was apparently free. Plut. *Q. R.* 59. Livius Andronicus also founded a school *cf.* Suet. *de Gram.* 1, and it is uncertain whether this school or that of Carvilius was actually the first. The exact date of the school of Carvilius cannot be determined, but as Sp. Carvilius received his divorce in 231 B. C. (Aul. Gell. IV. 3. 1, 2 *cf.* XVII. 21. 44), probably it was in the third quarter of the century. If that of Carvilius was the first, Livius must have waited for some time after his emancipation. The Romans and the Greeks may very probably have had no absolute means of determining the question, and in any case the schools date from practically the same time.

clusively, on the previous existence in Rome of written laws. Marquardt also uses these arguments as a contradiction of the hypothesis that there were no schools in Rome till Carvilius.[1] The existence of written laws, however, would not by itself prove the existence of *ludi litterarii,* primary schools, as a knowledge of writing might be acquired in other ways. The references in Livy cannot be accepted as conclusive; the chief source of information for this early period, the pontifical annals, give only a bare record of events. It is more probable that Livy, filling in the details, introduced in his mention of the *ludus litterarum* an institution of a later period.

By the early part of the second century B. C. the custom of employing educated slaves as instructors for the young had become common enough so that a slave or freedman opening such a school was sure of pupils. Some of the more conservative, however, still preferred to instruct their children directly, recognizing the undesirable features of the subordination of their sons to men of a lower order. A person having such a slave in his household, whether or not he desired him as instructor for his own children, could profitably rent out the slave's services as instructor to the children of others.[2]

If the time of the father was occupied to a large extent by public affairs or business matters, the instruction which he was able to give to his sons might be supplemented by lessons from slaves of the requisite learning.[3] The early

[1] Ussing, *Erziehung u. Jugendunterricht,* p. 100; Marquardt, *Vie privée des R.,* vol. i, p. 109, n. 4, p. 111, n. 1.

[2] Plut. *Cat. maj.* 20: Cato kept at his house a grammarian slave, Chilon, who instructed the children of other citizens for a salary received by his master, although Cato himself supervised the education of his own son; *cf.* Plaut. *Pseud.* 446: "*hic mihi corrumpit filium.*"

[3] Plut. *Aem. Paul.* 6.

instruction of the child, therefore, might be given (1) at home directly by the parents, (2) at home by a slave of the household, (3) in a private school conducted by a slave or freedman.

The education of the child began formally at the age of seven.[1] The essential elements of the instruction imparted to the child by the parents are summed up by Plautus in the words "*parentes . . . litteras, iura, leges docent*", and this corresponds closely with the system followed by Cato.[2] Children still learned by heart the XII Tables, a custom which fell into disuse in the time of Cicero.[3] There was no systematic study of history, but the children were taught the illustrious deeds of the family to which they belonged, and in this way acquired some knowledge of the history of Rome.[4]

The instruction in the primary schools was naturally along much the same lines as that given by the parents. That their chief task was to teach the alphabet and its uses —reading and writing—is shown by the names applied to the school, *ludus litterarius* or *litterarum*, and to the instructor, who was called *litterator*. Instruction was also

[1] Plaut. *Poen.* 66: "*puer . . . septuennis*"; *Merc.* 292, 303, *Bacc.* 440.

[2] Plaut. *Most.* 126 *cf.* Plut. *Cat. maj.* 20.

[3] Cic. *de Leg.* II. 23. 59: "*discebamus enim pueri XII, ut carmen necessarium, quas iam nemo discit.*"

[4] Plut. *Cat. maj.* 20. Cicero *Brut.* XIX. 75, *Tusc.* I. 2. 3, speaks of songs which the Romans were accustomed to sing at banquets in praise of their famous ancestors, a practise which was dropped between Cato and Cicero. Doubtless there were such songs in praise of ancestors, but judging from other songs composed by the Romans, they were probably vague and general in character so that the same songs could be used to apply to anyone who had been brave. If in the time of Cato there had been any songs in praise of specific families, they would not have been allowed to die out; *cf.* Varro, *ap.* Non *s. v. assa uoce*, ed. Lindsay, vol. i, pp. 107-8.

given in rudimentary arithmetic. The lessons were done on wax tablets.[1]

During this period Roman education was broadened by the introduction of music and dancing. Although these accomplishments were still regarded by the most conservative as unbecoming, instruction in them was not limited to people of the lower class. Even citizens of high rank began to have their children so trained. Macrobius describes a dancing school of more than fifty boys and girls, and this school was probably not exceptional, as young girls of aristocratic family continued to receive similar instruction.[2]

In addition to his intellectual training the Roman youth was trained from early boyhood in bodily exercises: hurling the javelin, boxing, swimming, and riding.[3] The Romans, however, never regarded gymnastic exercises as seriously as did the Greeks. Scipio, while he was in Sicily, preparing his expedition against Carthage, entered the gymnasium of Syracuse in Greek dress and took part in the exercises of the *palaestra;* but many Romans were scandalized, and these actions were later brought up as accusations against him.[4] Athletic games are mentioned for the first time in 186 B. C.[5]

With the development of schools, the custom of the

[1] Plaut. *Pers.* 173: "*si in ludum iret, potuisset iam fieri ut probe litteras sciret*" cf. *ibid.* 187: "*si scis tute quot hodie habeas digitos in manu*"; *Merc.* 303: "*ludum litterarium*"; *Bacc.* 441: "*tabula*"; Suet. *de Gram.* 4: "*litterator*".

[2] Macrob. III. 14. 4-7; Sallust *Cat.* 25: Sempronia, the mother of D. Brutus, is described as "*litteris Graecis et Latinis docta, psallere et saltare elegantius quam necesse est probae, multa alia quae instrumenta luxuriae sunt.*"

[3] Plut. *Cat. maj.* 20.

[4] Cic. *de Rep.* IV. 4: "*iuventutis uero exercitatio quam absurda in gymnasiis.*" Liv. XXIX. 19. 12, XXXVIII. 51. 1.

[5] Liv. XXXIX. 22. 2: "*athletarum quoque certamen tum primo Romanis spectaculo fuit.*"

paedagogus was introduced, a slave who accompanied the child to class and was present at the lessons. Plautus speaks of the *paedagogus* continuing his office until the boy reached the age of twenty, but this is probably an exaggeration even for Greek education. The functions of the *paedagogus* probably ceased at the assumption of the *toga uirilis*.[1]

The change from the *toga praetexta* to the *toga uirilis* took place at the age of seventeen. The youth might begin his military career before that time. In 216 B. C. and in 212 B. C. the enrollment of boys under seventeen is mentioned, and later the proposed legislation of C. Gracchus included the exemption of youths under seventeen from being drafted for the army.[2] The *lex Plaetoria* apparently first established the distinction between minority and majority. This law protected minors up to the age of twenty-five, and gave them relief from any juristic act which they had concluded under the influence of fraud.[3]

[1] *Paedagogus*: Plaut. *Bacc.* 138, *Pers.* 447, *Merc.* 91; Ter. *Phorm.* 144. Plaut. *Bacc.* 422-3: "*nego tibi hoc annis uiginti fuisse primis copiae,* | *digitum longe a paedagogo pedem ut ecferres aedibus.*"

[2] Liv. XXII. 57. 9: "*iuniores ab septendecem et quosdam praetextatos scribunt*"; *ibid.* XXV. 5. 8: "*qui minores septendecem annis sacramento dixissent iis perinde stipendia procederent, ac si septendecem annorum aut maiores milites facti essent*"; Polyb. X. 3: "He [Publius Scipio] was then ... eighteen years old and on his first campaign." Plut. *C. Gracc.* 5, *Flamin.* 1: "young men learned how to act as officers not by theory but by actual service in the field."

[3] Plaut. *Rud.* 1380-2, *Pseud.* 303-4: "*annorum lex me perdit quinauicenaria.* | *metuont credere omnes.*" The *lex Plaetoria* was passed before 192 B. C., as that is the year in which the *Pseudolus* was presented. Karlowa, *op. cit.*, vol. ii, pp. 306-8, discusses the probable date of the law, and reaches the conclusion that it apparently does not much antedate 192 B. C. He points out that with the incoming of Hellenic customs and the consequent change in social conditions at Rome, the inexperience of youths was more frequently taken advantage of, and moreover in a period of long continued warfare, it might often be the case that young men who had reached or even passed their twentieth birthday, and were veteran soldiers, in view of the long duration of their military activity, were still very inexperienced in civil affairs. *Cf.* Sohm. *op. cit.*, pp. 294-5, Girard, *op. cit.*, pp. 229-30.

After the assumption of the *toga uirilis* various fields of interest were open to the youth. He might carry on his studies with a view to practising at the bar; he might enter military life as a tribune; he might be entrusted with business enterprises and transactions as the representative of his father or independently.[1] Either as a direct gift from the father or through the profits of his business affairs the son might acquire a *peculium*, private property,[2] but legally this was held only with the consent of the father.

(c) HIGHER EDUCATION—CULTURAL STUDIES

In some cases the youth might desire to carry his studies further as Roman education was gradually becoming more cultural. The translation of the *Odyssey* by Livius Andronicus dates the beginning of Roman poetry. Both Livius and Ennius introduced into the general education the study and interpretation of Greek literary works, and the reading and explanation of their own compositions, and their example was followed by others. The first grammarian to give real lessons was Crates of Mallos, the ambassador of Attalus (between 160 and 150 B. C.). Strabo calls Crates the foremost of the grammarians, the word being used in a large sense to mean literary critic. In this respect Crates continued the work of Ennius, and his teachings inspired wide imitation.[3]

[1] Plut. *Aem. Paul.* 2; Polyb. XXXII. 9: "I [Scipio Aemilianus] am considered ... far removed from the true Roman character and ways, because I don't care for pleading in the law courts." Plut. *Flamin.* 1. Plaut. *Most.* 1016-7: "*me apsente hic tecum filius | negoti gessit*"; *Merc.* 11: "*pater ad mercatum hinc me meus misit*"; *Bacc.* 249-50.

[2] Plaut. *Capt.* 19-20, *Merc.* 96-7: the son, receiving a price above what he is to give to his father, says "*peculium | conficio grande.*"

[3] Suet. *de Gram.* 1, 2: "*primus igitur quantum opinamur studium grammaticae in urbem intulit Crates Mallotes ... nostris exemplo fuit ad imitandum*", *cf.* Strabo I. 2. 24.

In the case of a family of sufficient wealth the whole education of the son might be conducted at home. This was true of Aemilius Paulus, who "provided his children with grammarians, sophists, and rhetors, surrounded them with sculptors, painters, hairdressers, and hunting-masters, all Greek", and to complete their instruction asked the Athenians to send him the most esteemed philosopher of their city.[1]

The same Aemilius Paulus, in bringing home the books of Perseus, established the first private library in Rome. Plautus indicates that in this period few if any libraries were at the disposal of a writer.[2] At the beginning of the century history was still written in Greek. Both Q. Fabius Pictor and L. Cincius Alimentus used that language, and the first history to be written in Latin was the *Origines* of Cato.

The knowledge of philosophy at Rome was diffused in various ways. Indirectly it was made known through the theatre, which familiarized the people with philosophic maxims and beliefs—for example Plautus by the words "*quos pol ego credo humanas querimonias non tanti facere, quid uelint, quid non uelint*" (*Merc.* 6-7), suggests the Epicurean theory which considered the gods sublimely indifferent to the affairs of men, and Terence by the words "*homo sum: humani nil a me alienum puto*" (*Heaut.* 77), suggests the Stoic idea of universal brotherhood.[3]

[1] Plut. *Aem. Paul.* 6.

[2] Plut. *Aem. Paul.* 28; Plaut. *Men.* 247-8: "*quin nos hinc domum | redimus nisi si historiam scripturi sumus.*"

[3] *Cf.* Pacuvius *Ex Incert. Fab.* XIV (*Herm.* 2), Ribb. *Frag. Trag.* pp. 124-6:

"*Fortunam insanam esse et caecam et brutam perhibent philosophi,*
Saxoque instare in globoso praedicant uolubilei.
[*Quia quo id saxum inpulerit fors, eo cadere Fortunam autumant.*]
Insanam autem esse aiunt, quia atrox incerta instabilisque sit:

An effort was made to check the spread of the new beliefs by the expulsion in 173 B. C. of the Epicureans Alcius and Philiscus, but professors of all kinds continued to come in, and in 161 B. C. the Senate was obliged to pass a new *senatus consultum* against them.[1] Such an edict was difficult to enforce. It might be possible to expel some of the teachers, but the edict could not be carried out in the case of Greeks like Polybius who were living as preceptors or friends in the households of wealthy and influential families,[2] or in the case of ambassadors.

The ambassadors, besides their special mission, spoke in public on the studies in which they were interested. Examples are Astyamedes, the ambassador of the Rhodians, a rhetor who published his discourses;[3] Crates of Mallos, the grammarian sent by Attalus II;[4] the philosophers Carneades, Diogenes, and Critolaus, sent as an embassy by the Athenians in 155 B. C., who organized lectures while waiting

Caecam ob eam rem esse iterant, quia nil cernant quo sese adplicet:
Brutam, quia dignum atque indignum nequeat internoscere.
Sunt autem alii philosophi, qui contra Fortunam negant
Esse ullam, sed temeritate res regi omnis autumant.
Id magis ueri simile esse usus re apse experiundo edocet:
Velut Orestes modo fuit rex, factus mendicus modo."

[1] Athenaeus XII. 68. Aul. Gell. XV. 11 gives the substance of this decree.

[2] Polyb. XXXII. 9: "the sons of L. Aemilius Paulus exerted all their influence with the praetor that Polybius might be allowed to remain in Rome. This was granted."

[3] Polyb. XXX. 4.

[4] The exact date at which Crates of Mallos came to Rome is uncertain. Suet. *de Gram.* 2 says the year of the death of Ennius, but according to Cicero (*Brut.* XX. 78) Ennius died 169 B. C., and Attalus II did not become king until 159 B. C. The acceptance of this year as the date of the embassy is plausible, (1) as it would be natural for Attalus to send an embassy in the first year of his reign, (2) as this year places the date of the embassy as close as possible to that of the death of Ennius.

for their audience with the Senate. These lectures were very successful, and people crowded to hear them.[1] While Terence does not give philosophy a high rank as a serious study, classing it with the breeding of horses and of hunting-dogs as a fad of youth, still prominent Romans were interested in the new teachings. When the Greek embassy was to appear before the Senate, an important citizen, C. Acilius, sought as an honor the privilege of serving as interpreter. Cato strongly opposed this teaching of Greek philosophy at Rome, but in doing so, it was not so much the theories themselves which he objected to, as the introduction into Rome of an interest in rhetoric and philosophy, studies which he regarded with disfavor. It was largely due to his efforts that Carneades and his colleagues were finally sent back to Greece.[2]

The Athenian embassy represented three different schools of philosophy—"*Carneades ex Academia, Diogenes Stoicus, Critolaus Peripateticus*", but the teachings of Carneades were especially popular. The success of his doctrines at Rome, moreover, was not merely temporary. Clitomachus, the friend and successor of Carneades, dedicated two books to Lucilius and to the consul L. Censorinus.[3] The Stoics at Rome were especially represented by Panaetius, the pupil of Crates of Mallos. The success of the Stoic school is marked in the circle of Scipio Aemilianus. Laelius in particular followed the lessons of Diogenes, the colleague of

[1] Gell. VI (VII). 14: the Athenian embassy was sent to reduce the fine imposed after the pillage of Oropus; Plut. *Cat. maj.* 22; *Cic. de Orat.* II. 37. 155.

[2] Ter. *And.* 55-7: "*quod plerique omnes faciunt adulescentuli ut animum ad aliquod studium adiungant, aut equos alere aut canes ad uenandum aut ad philosophos.*" For attitude of Cato towards rhetoric and philosophy *cf.* Plut. *Cat. maj.* 23, Cato *Incert. Lib. Reliq.* 19, ed. Jord. p. 87.

[3] Cic. *Acad.* IV. 32. 102.

Carneades, and then the lessons of Panaetius. With Panaetius stoicism no longer emphasized exclusively the speculative side, but occupied itself as well with the practical organization of peoples and cities.[1] The rôle of philosophy in politics was growing and an influence in the reforms of Tiberius Gracchus is attributed by ancient writers to the rhetor Diophanes of Mytilene and to the philosopher Blossius of Cumae.[2]

The scientific study of the period was mainly concerned with the improvement of the calendar, which did not correspond exactly to the solar year. In 192 B. C. the consul M'. Acilius Glabrio is said to have proposed the institution of intercalary days. The pontiffs who had charge of regulating the intercalations, abused the privilege, however, by employing it to lengthen or shorten the term of magistrates.[3] In 188 B. C. M. Fulvius Nobilior posted on his temple of Hercules and the Muses a list of the months and days of the year with explanations about each.[4] This was done evidently in order to familiarize the people with the facts.

There was also an attempt to determine more exactly the hours of the day. In 263 B. C. a sun-dial brought from Sicily by M. Valerius Messala, had been set up in the forum, but as this was regulated for Catana, it was not entirely

[1] Strabo XIV. 5. 16; Cic. *de Fin.* II. 8. 24: "*nec ille, qui Diogenem Stoicum adulescens, post autem Panaetium audierat, Laelius*"; *de Leg.* III. 6. 14: "*etiam a Stoicis ista tractata sunt? Non sane nisi ab eo, quem modo nominaui, et postea a magno homine et in primis erudito, Panaetio, nam ueteres uerbo tenus acute illi quidem, sed non ad hunc usum popularem atque ciuilem, de re publica disserebant.*"

[2] Plut. *Tib. Gracc.* 8.

[3] Macrob. *Sat.* I. 13. 21; Censor. *de Die Natal.* XX. 6, 7: "*pontificibus datum negotium eorumque arbitrio intercalandi ratio, permissa. sed horum plerique ob odium uel gratiam, quo quis magistratu citius abiret diutiusue fungeretur ... plus minusue ex libidine intercalando rem sibi ad corrigendum mandatam ultro quod deprauarunt.*"

[4] Macrob. *Sat.* I. 12. 16.

correct. In 164 B. C., Q. Marcius Philippus, the censor, erected one regulated for Roman use. To some people, however, the new method of telling time was not entirely desirable. Plautus puts in the mouth of one of his characters an amusing diatribe against the recent innovation, beginning: "May the gods destroy the man who first discovered hours, and even more, the man who first set up a sun-dial here and divided the day into little bits of pieces for poor me." In 159 B. C. Scipio Nasica introduced the first water-clock.[1]

The study of astronomy had progressed so that many Romans were able to comprehend the scientific explanation of natural phenomena. In 168 B. C., before the battle of Pydna, when an eclipse of the moon terrified the soldiers, C. Sulpicius Gallus, the military tribune of Aemilius Paulus, the next day explained the occurrence to them, giving them a brief description of the planetary system. According to Livy he not only explained the phenomenon but also announced the hour beforehand.[2] While it is improbable that he would be able to make such definite calculations, still it is important that a Roman officer of the time could make such an explanation.

[1] Plin. *H. N.* VII. 60 (60). 213-5; Plaut. *frag. Boeotia, cf.* Fowler, *Social Life at Rome* (New York, 1910), p. 265.

[2] Cic. *de Rep.* I. 15. 23; Val. Max. VIII. 11. 1; Liv. XLIV. 37. 5, 6: "*pronuntiauit nocte proxima, ne quis id pro portento acciperet, ab hora secunda usque ad quartam horam noctis lunam defecturam esse, id quia naturali ordine statis temporibus fiat, et sciri ante et praedici posse.*"

CHAPTER IV

Slaves

The number of slaves in Italy increased rapidly in this period as the sources of supply became more abundant. Wallon attempts to estimate the slave population of Italy at the beginning of the second Punic War and then again at the time of the first consulship of Pompey. The total population of Italy is first estimated on the basis of the grain supply, and from this is deducted the number of the inhabitants who were included in the census lists with allowance for the number of freedmen and foreigners. While it is recognized that the result is necessarily inexact, he concludes that the beginning of the second Punic War the servile population was still far from equaling the free population, whereas at the time of the first consulship of Pompey "à la diminution du nombre des hommes libres a correspondu, généralement, une augmentation des esclaves et que ce dernier nombre, plus faible que l'autre au commencement de la seconde guerre punique, l'a maintenant au moins égalé." [1]

There are indications that from Cato the Censor to Cato of Utica the number of domestic slaves, at least in the wealthier and more aristocratic families, had become several times as great. Valerius Maximus, after comparing the three slaves of the former with the twelve attendants of the latter under similar circumstances, significantly adds, "*nu-*

[1] Wallon, *Histoire de l'esclavage*, vol. ii, p. 70, *et seq.*, p. 157.

mero plures quam superior, temporum diuersis moribus pauciores." [1] Such moderation in the number of slaves was not exceptional in the time of the elder Cato. Scipio Aemilianus when he was commissioned by the Senate "to settle the kingdoms throughout the world" only took five slaves.[2]

The chief reason for the increase in the number of slaves during this period was the foreign wars in which large numbers were included in the booty. Some of these captives were brought to Rome for the triumph, and others were sold on the spot by the quaestors. The sale was called *sub hasta* or *sub corona uenire*.[3] It is striking in this connection to note Polybius' description of the crowds of unarmed citizens, "more numerous than the soldiers themselves," who followed the camp of Flaminius in hopes of booty, carrying chains and fetters with them in readiness for the slaves they hoped to obtain.[4] Besides the captives in war, however, there were also other sources from which slaves were acquired. Kidnapping and piracy were carried on extensively, and many of the slaves offered for sale in the markets were obtained in this way.[5] In addition to slaves acquired by purchase there were the slaves born in the household and known as *uernae*. These persons grew up in the family with the children of the master and were nursed by a *nutrex* or sometimes even by the mistress herself.[6]

[1] Val. Max. IV. 3. 11, 12.

[2] Polyb. *Frag.* XXIX.

[3] Liv. XXIII. 37. 12, XXXIX. 42. 1, XLI. 11. 8; Cato *de re militari* 2, ed. Jord. p. 80: "*ut populus sua opera potius ob rem bene gestam coronatus supplicatum eat, quam re male gesta coronatus ueneat*"; Plaut. *Capt.* 34: "*emit hosc' de praeda ambos de quaestoribus*" *cf. ibid.* III, 453, *Epid.* 43-4, 210-1.

[4] Polyb. III. 82.

[5] Plaut. *Curc.* 644, *et seq.*, *Men.* 30-1, *Capt.* 8-10, *Poen.* 897.

[6] Plut. *Cat. maj.* 20: the wife of Cato nursed the children of the

Slave-dealing, although recognized as a regular business, was regarded with disfavor as a *quaestus inhonestus*. Wallon points out that as the Greeks had the advantage of the Romans in long experience, they therefore were more prominent in the slave traffic in Rome than the Romans themselves, but it is evident that Romans of high rank did not disdain to profit by it indirectly. Cato, for example, provided his slaves with money with which to buy young slaves who were to be trained for a year and then sold at a profit.[1] The traffic in slaves was carried on in public markets, and the slave to be sold was put up on a stone and proclaimed by the herald. There was a fixed spot for slave dealing near the temple of Castor. In this period there was no general tax on the sale of slaves, although one was later established under Augustus. Cato, however, imposed a tax on slaves under twenty who were sold for more than a certain price.[2]

The prices of slaves varied according to circumstances.

domestic slaves; Plaut. *Mil. Glor.* 698: "*quid? nutrici non missuru's quicquam quae uernas alit?*"

In ancient law every execution was personal and resulted in the bondage of the debtor, so that the creditor might either sell him (*trans Tiberim*) or kill him. The extreme provisions of the law were no longer used, but bondage for debt continued to be the civil law method of execution par excellence. The debtor who was unable to pay, was brought before the praetor and addicted to his creditor. He was thus placed by execution in somewhat the position of a slave in regard to his creditor, and addiction is frequently incorrectly given as one of the sources of slaves at Rome. *Cf.* Sohm, *op. cit.*, p. 286, *et seq.* Plaut. *Men.* 96-7: "*nam ego ad Menaechmum hunc <nunc> eo quo iam diu | sum iudicatus*"; *Poen.* 1341, 1361: "*quin egomet tibi me addico, quid praetore opust*"; Ter. *Phorm.* 334; Liv. XXIII. 14. 3: "*quique pecuniae iudicati in uinculis essent.*"

[1] Plaut. *Capt.* 98-9; Wallon, *Histoire de l'esclavage*, vol. ii, p. 48; Plut. *Cat. maj.* 21.

[2] Plaut. *Bacc.* 815-6: "*atque in eopse astas lapide, ut praeco praedicat | ... quis me uendit?*" *Curc.* 481; Liv. XXXIX. 44. 3.

In the comedies the prices are given in Greek money, but there was a close relation between the Greek drachma and the Roman denarius, and in later times the term "drachma" came to be applied to the denarius.[1] For purposes of comparison, therefore, the drachma may be recognized as approximately equal to the denarius. According to Cato a fair price for a first-class laboring slave was 1500 denarii (*c.* $270) but ordinary unskilled labor probably brought much less. In 194 B. C. the prisoners who had been sold in Greece by Hannibal were bought back at the low price of 500 denarii. The prices of Greek markets corresponded roughly to those of the Roman markets during this period in consequence of the closer relations which were established between the two people. After the battle of Cannae, Hannibal had offered to ransom his captives at 500 denarii for a horseman, 300 for a foot-soldier, and 100 for a slave, but that this price was below the usual value of slaves is indicated by the statement of Livy that the Senate purchased as soldiers (*miles*) eight thousand slaves "though they had the power of redeeming the captives at less expense." An even lower price was agreed upon by Fabius as a ransom—250 drachma.[2]

A philosopher is estimated in Plautus at a talent (*Capt.* 274); an intelligent able-bodied young slave of superior quality is estimated at 20 minae (*Capt.* 364); and for young slave-boys of high personal attractions extravagant sums were paid in spite of the efforts of the censors to check this

[1] Hultsch, *Griechische und Römische Metrologie* (Berlin, 1882), p. 149, states that in later times in Rome instead of the drachma "wurde ... der Denar gebraucht und der Name Drachme auf diesen übertragen."

[2] Plut. *Cat. maj.* 4; Liv. XXXIV. 50. 6, XXII. 57. 11-12, 58. 4; Plut. *Fab.* 7.

growing tendency.[1] A child of four years sold for 6 minae (*Capt.* 8,974); two children and their nurse at 18 minae (*Poen.* 897). Young girls varied according to their accomplishments and personal attractions. A fair price was apparently 20 minae (*Pseud.* 52, *Merc.* 429; Ter. *Ad.* 191), but as low as 600 nummi is mentioned (*Pers.* 36), and as high as 30 minae (*Merc.* 432, *Rud.* 45, *Most.* 300, *Curc.* 63), 40 minae (*Epid.* 52), 50 minae (*Merc.* 440), or even 60 minae (*Curc.* 64, *Pers.* 665).

For common work newly imported slaves were preferred rather than those who had been in service for a long time. All nationalities were represented, and the names of slaves in the comedies frequently indicate the country from which they come, as Lydus, Libanus, Cilix, Syrus. The Syrians were the most numerous and were considered particularly fitted for slavery by innate qualities of submission and endurance. They were already employed especially for the humbler duties of the household, and in Plautus (*Merc.* 413-6) the head of the house promises to obtain "a Syrian or an Egyptian, someone to grind corn, to cook, to spin," and to perform other laborious tasks.[2]

In theory the slaves were not badly treated; Cato worked, ate, and drank with his slaves, and in any case it was to the self-interest of the master to keep them in good condition.

[1] Liv. XXXIX. 44. 3 *cf.* Polyb. XXXII. 11.

Ramsay, *Most.* 241, *et seq.*, in the article on "Terms Employed With Reference to Money", gives an explanation of money in Plautus, saying: "In the works of the Latin dramatists all computations in Greek money must be referred to the Attic standard and wherever moderate sums are named we shall not commit any grave error if we consider the value of the Attic drachma—9d. sterling."

[2] Ter. *And.* 457: "*quid nam hoc est rei? quid hic uolt ueterator sibi?*" Plaut. *Bacc.*: Lydus; *Asin.*: Libanus; *Fab. Inc. Frag.* 149: Cilix; *Merc.*, *Truc.*: Syra; Ter. *Heaut.*: Phrygia, Syrus *cf. Ad.*: Syrus; *And.*: Lesbia, Mysis. Plaut. *Trin.* 542: "*tum autem Surorum, genu' quod patientissumumst.*"

A fixed allowance of corn which they themselves ground, olives, salt-fish, oil, and salt was given to each slave, and a small ration of wine. The distribution was made monthly on the Kalends. Cato carefully estimates 4 measures of corn during the winter, 5 from the beginning of work in the vineyard until the ripening of the figs, and then 4 again. The *uilicus*, the *uilica*, and the *opilio* (shepherd), however, were to have only 3.[1] The allowance was regulated according to the amount of labor performed, and was raised at the festivals of the Compitalia and the Saturnalia, the latter of which had recently been restored to especial honor in the midst of the reverses of the second Punic War in 217 B. C.[2] In Plautus (*Stich.* 690-1) there is a description of such festal rations which includes nuts, beans, figs, olives, lupine, and small pastry. It is probable that sometimes, at least in the city, an equivalent in money was given to the slave.

Clothing and shoes were furnished by the master, although these might be supplemented by presents or purchases from the *peculium* of the slave. For the street the slave wore a *campestre* or *tunica* in place of the *toga*. Other articles of clothing were the *cento*, a garment made of several bits or pieces sewed together, the *tegillum*, a kind of hood, the *saga*, a coarse woolen mantle, and the *sculponeae*, heavy wooden shoes.[3] These heavy wooden shoes were

[1] Plut. *Cat. maj.* 3. Plaut. *Stich.* 60: "*uos meministis quotcalendis petere demensum cibum*" *cf. Men.* 14-15, *Trin.* 944; Ter. *Phorm.* 43-4 *cf.* Don. *ad Ter. Phorm.* I. 1. 9; Cato *R. R.* LVI-LVIII, CIV; Plaut. *Rud.* 936-7: "*hic rex cum aceto pransurust | et sale sine bono pulmento*"; Cato *R. R.* II. 4; "*cum serui aegrotarint, cibaria tanta dari non oportuisse.*"

[2] Liv. XXII. 1. 20.

[3] Cato *R. R.* LIX: "*uestimenta familiae. tunicam P. IIIS: saga alternis annis: quotiens cuique tunicam aut sagum dabis, prius ueterem accipito, unde centones fiant: sculponeas bonas alternis annis dare oportet*"; *ibid.* II. 3, X. 5; Plaut. *Cas.* 495: "*soleas ... qui quaeso potius quam sculponeas*"; *Rud.* 576: "*tegillum*"; *Pseud.* 1187-8: "*mea quidem haec habeo omnia, | meo peculio empta*".

worn by both male and female slaves, and in Plautus (*Cas.* 708-12) the lighter and more elegant *soleae* are promised to a female slave only as a high reward—"I will give you sandals if you accomplish this, and a gold ring for your finger, and many presents."

The slave was not only permitted but encouraged to amass a personal fortune or *peculium*. The possession of such a *peculium* was regarded as a proof of industry and capacity, whereas a slave without a *peculium* was regarded as "*nili atque inprobus.*" It was furthermore to the advantage of the slave to acquire capital with which he could buy his freedom.[1] Various means were open for securing a *peculium:* (1) the slave could save a part from his monthly allowance; (2) if he was entrusted with the independent carrying-on of some business for his master, he might be given a share in the returns; (3) if a shepherd, he was permitted to raise some of the sheep for his own profit (*peculiarem*).[2] The *peculium* of course could not be disposed of without the consent of the master, and moreover the slave had to make gifts on certain occasions such as the wedding of his master's son, the birth of a child, its birthday, *et cetera.*[3]

Legal marriage did not exist for slaves,[4] but unions might be contracted with the consent of the master. Cato demanded a fixed sum from slaves desiring to contract such a

[1] Plaut. *Rud.* 112: "*peculiosum esse addecet seruom et probum*"; *Asin.* 498: "*frugi tamen sum, nec potest peculium enumerari*"; *Cas.* 257-8: "*armigero nili atque inprobo, | quoi homini hodie peculi nummus non est plumbeus*" cf. *Aul.* 466, *Asin.* 277, *Capt.* 1028, *Stich.* 751, *Most.* 253, 863. *Rud.* 929: "*pro capite argentum ut sim liber*" cf. *Capt.* 121.

[2] Ter. *Phorm.* 35, *et seq.*; Plaut. *Asin.* 540-1: "*etiam opilio qui pascet ... alienas ouis, | aliquam habet peculiarem qui spem soletur suam*"; *Merc.* 524-5, *Asin.* 441-3; Plut. *Cat. maj.* 21.

[3] Ter. *Phorm.* 35, *et seq.*

[4] Plaut. *Cas.* 68-70.

union, but Plutarch suggests that this practise was not general.[1] These unions were frequently recognized as equivalent to marriage, and the same terms such as *nuptum* and *uxor*, were used in referring to them, which were applied in the case of people of free condition to legal forms from which slaves were excluded. Frequently the marriage of certain slaves was to the interest of the master, as that of the *uilicus* and the *uilica* advised by Cato.[2]

Private slaves were divided into the *familia urbana* and the *familia rustica*. The *familia rustica* had a harder life, and to send a slave to the villa was often regarded as a punishment. Some, however, might prefer to work there, as the farm offered them greater freedom than was possible in the restrictions of city life.[3] At the head of the *familia rustica* was the *uilicus;* only the presence of the master limited his power, and the farm was his "*praefectura*" (Plaut. *Cas.* 99), his "*prouincia*" (*ibid.* 103). He superintended all matters pertaining to the work of the farm, including the buying and selling, the distribution of food and clothing to the slaves under him, the settlement of disputes, the hiring of outside help, *etc.* He was supposed to be expert in all kinds of farm work, and to help in it to some extent without exhausting himself—in short, in the words of Cato, the *uilicus* should be "the first to rise in the morning and the last to retire at night."[4]

[1] Plut. *Cat. maj.* 21.

[2] Plaut. *Cas.* 254: "*super ancilla Casina, ut detur nuptum nostro uilico*"; Ter. *Ad.* 973: "*Phrygiam ... uxorem meam*". Cato *R. R.* CXLIII. 1.

[3] Plaut. *Most.* 4: "*ego pol te ruri, si uiuam, ulciscar probe*" *cf.* Ter. *Phorm.* 249-50: "*molendum usque in pistrino, uapulandum, habendae compedes,* | *opus ruri faciendum*"; Plaut. *Most.* 6-7: "*quid tibi, malum, hic ante aedis clamitatiost?* | *an ruri censes te esse?*"

[4] Cato *R. R.* V, CXLII; Plaut. *Cas.* 99-110; Pomponius *Ergastulum* I, Ribb. *Frag. Com.* p. 232: "*longe ab urbe uilicari, quo erus rarenter uenit,* | [*Id*]*non uilicari, sed dominari est mea sententia.*"

Under him were the ploughmen (*bubulci*), the ass-driver (*asinarius*), the shepherd (*opilio*), the swineherd (*subulcus*), and the ordinary workmen (*operarii*). The number varied according to the size of the estate; for one of 240 *iugera* with olives and sheep Cato estimates 5 ordinary workmen, 3 ploughmen, 1 ass-driver, 1 swineherd, and 1 shepherd; for one of 100 *iugera* with a vineyard 10 workmen, 1 ploughman, 1 ass-driver, 1 swineherd, and one man to take care of the willow trees (*salictarius*). In harvest season hired hands were taken on, but the *uilicus* saw to it that these were not kept any longer than was necessary.[1] Some of the slaves on the farm were compelled to work in fetters (*compediti*), but this did not apply to the large number of them as Cato makes an exception of *compediti* in the distribution of food and provides them with bread instead of corn to be ground. Probably only those worked in chains who had committed some offense or who it was feared might attempt to escape. Besides the regular work of the farm the country slaves were liable to be called on for public work such as the construction of roads.[2]

The work inside the house was attended to by the *uilica*, who, as has been said, it was usually considered advisable should be married to the *uilicus*. She attended to the cleaning, the cooking, and the poultry yard, and Cato bids her see to it that there is a plentiful supply of eggs and chickens. Wallon considers that while the *uilica* is the only woman mentioned in the *familia rustica* enumerated by Cato, the restraint placed on unions between slaves which is mentioned by Plutarch, proves that there were other slave women in the villa. The statement of Plutarch, however, is

[1] Cato *R. R.* X, XI, V. 4: "*operarium, mercennarium, politorem diutius eundem ne habeat die.*"

[2] *Ibid.* LVI; Plaut. *Most.* 19: "*augebis ruri numerum, genu' ferratile.*" Cato *R. R.* II. 4: "*uiam publicam muniri.*"

not applied definitely to the *familia rustica*, but seems rather to refer to the urban household.[1]

The slaves in the *familia urbana* were in closer touch with the master, and their condition was considered more desirable. With the increase in the number of slaves their duties and occupations were highly specialized, and the slave who was delegated to some special office resented as an infringement any call upon him for services along other lines. For example, in Plautus (*Cas.* 461-2) a slave complains disgustedly that he, who had been an *aduersitor*, his master wished to make a mere door-keeper.

The slaves may be divided into certain groups. First were the domestic servants: of these the most important was the *atriensis*, who in this period managed the entire household, attending to money matters such as purchases and sales and superintending the provisions.[2] That he was often harsh in his maintenance of discipline is suggested in Plautus (*Asin.* 371-2) where Leonida with the desire of the true artist to make his impersonation of the *atriensis* as realistic as possible, stipulates to his fellow-slave: "If presently when I am pretending to be Saurea, I should break your jaw with my fist, don't get angry over it."

Under the *atriensis* were the porter (*ianitor* or *ianitrix*), the steward (*cellarius*), the slave who laid up the provisions (*condus*), the slave who distributed the provisions (*pro-*

[1] Cato *R. R.* CXLIII, *cf.* Plaut. *Merc.* 508-9; Ter. *Ad.* 846, *et seq.* on the duties of a female slave in the country:

> "*atque ibi fauillae plena, fumi ac pollinis*
> *coquendo sit faxo et molendo; praeter haec*
> *meridie ipso faciam ut stipulam conligat;*
> *tam excoctam reddam atque atram quam carbost.*"

Wallon, *Histoire de l'esclavage*, vol. ii, p. 103 *cf.* Plut. *Cat. maj.* 21.

[2] Plaut. *Asin.* 347, 368-9, *Pseud.* 608-9: "*condus, promus sum, procurator peni.* | *quasi te dicas atriensem*" *cf. Poen.* 1283: "*ipse abiit foras, me reliquit pro atriensi in aedibus.*"

mus), his assistant (*subpromus*), the slave who arranged the couches (*lectisterniator*), the cook (*coquus*), the weaver (*textrix*), and various others to satisfy the increasing needs of the household.[1] The *familia* also included the personal slaves, as the nurse (*nutrex*), the teacher (*litterator*), the pedagogue (*paedagogus*), the invitation-bearer (*calator*), the attendants or lackeys (*pedisequus, pedisequa*), the slaves who went to meet the master (*aduersitores*), the garment-folder (*uestipica*), the fan-bearer (*flabellifera*), the keeper of the jewel-casket (*cistellatrix*), the sandal-bearer (*sandaligerula*), *et cetera*. There were also slaves skilled in music in the *familia*, although professional entertainers might be hired for an occasion.[2] Naturally this division of labor was not carried so far in every household, even those of the wealthy, but a single slave might be entrusted with several functions.

In addition to the house slaves and the farm slaves there were the industrial slaves, *serui usurarii*, who practised dif-

[1] Plaut. *Asin.* 390-1: "*ianitor*"; *Curc.* 76: "*ianitrix*." *Mil. Glor.* 824, *Capt.* 895: "*cellarius*." *Pseud.* 608, *Mil. Glor.* 837, 846, *Poen.* 716. *Pseud.* 162: "*lectisterniator*." The *coquus* is taken up more in detail in a separate paragraph. Weaving was one of the principal occupations of female slaves *cf.* Plaut. *Merc.* 518-20:

> "*possin tu, sei ussus uenerit, subtemen tenue nere?*
> *possum. sei tenue scis, scio te uberius posse nere.*
> *de lanificio neminem metuo, una aetate quae sit.*"

Men. 796-7.

[2] The *nutrex*, the *litterator*, and the *paedagogus* are dealt with more fully in the chapter on "Children". Plaut. *Rud.* 335: "*calator*". *Asin.* 183, *Aul.* 807; Ter. *And.* 123: "*pedisequa*"; Plaut. *Poen.* 41: "*pedisequi*". *Stich.* 607, *Men.* 437, 445, *Most.* 938, 947 *cf.* Don. *ad Ter. Ad.* I. 1. 2: "*aduersitores*". Plaut. *Trin.* 253-4: "*uestipica . . . flabelliferae, sandaligerulae,* | *cantrices, cistellatrices, nuntii, renuntii*"; *Epid.* 411, 372: "*fidicinam, nummo conducta quae sit*"; *Aul.* 280-1; Liv. XXXIX. 6. 8.

ferent trades for their master's profit. Examples are the *tonstrix*, the *tibicina*, the *fidicina*, and various artisans.[1]

A slave who deserves special mention because of his rapid increase of importance in this period is the cook (*coquus*). The regular daily cooking was done by a common slave of the household, but for special occasions such as weddings, birthdays, large dinners and the like an expert cook was hired. In all of the plays of Plautus these cooks are apparently slaves, whereas in Greek comedy the professional cook is never represented as a slave except in one play of Posidippus, and Rankin thinks that even this cook was not an actual slave but an apprentice to a higher μάγειρος. A hired cook brought with him assistant cooks and his own cooking utensils. He received usually one drachma for his services, but especially expert cooks charged twice this amount. Sometimes in addition to their regular pay they received more or less generous "tips." These professional cooks took their stand in the *macellum* or provision-market.[2]

[1] Plaut. *Curc.* 383; *Truc.* 405-6: "*tonstricem Suram ... nostram*" *cf.* 777 where Callicles inflicts on her the punishment of a slave and Phronesium claims her as her property, "*tonstricem meam*" (856); *Aul.* 280-1, *Epid.* 372; *Asin.* 441, *et seq.*

[2] Liv. XXXIX. 6. 9 (187 B. C.): "*tum coquus, uilissimum antiquis mancipium et aestimatione et usu, in pretio esse et, quod ministerium fuerat, ars haberi coepta*"; Plaut. *Merc.* 416; Ter. *And.* 31; cooks hired for special occasions *cf.* Plaut. *Aul.* 280, *Merc.* 697, *Pseud.* 798, *et seq.*; *Aul.* 309 indicates the cooks are slaves as they speak of purchasing their freedom *cf.* 346, *et seq.*, 409, *Men.* 275 where the treatment they receive is such as would be accorded to slaves. Rankin, *Role of the Μάγειροι in the Life of the Ancient Greeks* (Chicago, 1907), p. 20. Plaut. *Cas.* 720, *et seq.*, *Pseud.* 865, *et seq.*, *Aul.* 398-9, 409, 553, *Merc.* 741, 779, *et seq.*; *Aul.* 445-6: "*nisi reddi | mihi uasa iubes*" *cf.* *Merc.* 781. *Ibid.* 777: "*drachmam dato*" *cf.* *Pseud.* 808-9: "*illi drachumissent miseri: me nemo potest | minoris quisquam nummo ut surgam abigere*"; Aul. 448. *Ibid.* 309-10: "*censen talentum magnum exorari pote | ab istoc sene, ut det qui fiamus liberi*"? *Ibid.* 280-1, *Pseud.* 790:

Up to now the marketing had been done by some hanger-on of the household or even more simply by the master himself, but this was now being superseded. In the *Menaechmi*, the only instance in Plautus of a household cook who is regarded as competent to prepare a large banquet, the cook himself does the marketing, and in some wealthy families the growing importance of the culinary art had already called forth the *opsonator*. It was the duty of the *opsonator* to purchase the provisions, and his office became an important feature of the imperial households.[1]

Besides the private slaves there were also the public slaves of the state. These slaves were employed in various ways: in the service of the tribunes, as clerks in public offices, for service in the navy, for the menial work of sacrifices. Livy mentions *uigiliae* (watchmen), but without stating whether they were slaves or free.[2]

The punishment of slaves was not regulated by law. It was left arbitrarily to the master, and in almost every household of any size there was a *lorarius*, the executor of punishment for slaves. Often for comparatively light offenses there was a severe penalty. For example, when Cato invited friends to dinner, if the meal had been in any way badly prepared or served, the guilty slave was whipped.[3]

"*forum coquinum*" which Richter, Müller's *Handbuch* (Munich, 1901), vol. iii, sec. ii, p. 310, "Topographie von Rom," thinks is merely another term for *macellum*; Ter. *Eun.* 255: *macellum cf.* Plin. *H. H.* XVIII. 11 (28). 108.

[1] Plaut. *Aul.* 280: "*postquam opsonauit erus*"; *Capt.* 474 *cf.* Ter. *Eun.* 255, *et seq.* where the parasite does the marketing. Plaut. *Mil. Glor.* 667: "*opsonatorem optumum.*"

[2] Plaut. *Capt.* 334: "*priuatam seruitutem seruit illi an publicam*"; Liv. XXXVIII. 51. 12, XLIII. 16. 13, XL. 29. 14; Polyb. X. 17: "after the assault of New Carthage the craftsmen were made temporarily public slaves of Rome... some were drafted into the navy." Liv. XXXIX. 14. 10.

[3] Plaut. *Capt.* II. 1: *lorarii cf.* Ter. *And.*; Plut. *Cat. maj.* 25.

For very slight offenses the slave was condemned to wear the *furca*, a fork-shaped wooden yoke with the prongs bound to his hands. This was not especially painful, but was exacted "more as a disgrace than as an actual punishment" (Don. *ad Ter. And.* III. 5. 12). The most common form of punishment was whipping, and three kinds of instruments are mentioned according to the severity of the flogging to be administered: (1) rods or switches (*uirgae, ulmei*), (2) leather whips (*lora*), (3) whips of knotted cords combined with strips of metal (*flagra*).[1]

Slaves who had been guilty of a more serious offense or whom it was thought might attempt to escape, were kept in chains. Various kinds of fetters were used and of varying weights ranging from the lighter chains (*catenae singulares*) to the very heavy ones for the dangerous slaves. There were shackles for different parts of the body: the *compedes* and *pedicae* for the feet, *manicae* for the hands, *boiae* for the neck, and leather thongs (*neruae*). Other forms of punishment were: (1) to shut the slave up in the *puteus*, an underground dungeon, where he was often bound to a post; (2) to send him to work in the quarries or in the mill—the occupation of slaves and the poorest of free men; (3) to condemn him to hard labor in the country.[2] Extreme and barbarous punishments are men-

[1] Don. *ad Ter. And.* III. 5. 12: "*ignominiae magis quam supplicii causa.*" Plaut. *Cas.* 389; Ter. *And.* 618. The yoke was also worn by slaves about to be crucified *cf.* Plaut. *Most.* 56, *Mil. Glor.* 359-60: "*patibulum.*" Plaut. *Asin.* 298, *Bacc.* 779, *Capt.* 650: "*uirgae*"; *Pers.* 279, *Rud.* 636: "*ulmei*"; *Capt.* 658: "*lora*"; *Pseud.* 1240: "*flagrum*" *cf. Most.* 57, *Men.* 951.

[2] Plaut. *Capt.* 112, *et seq.*, 357, 722, *et seq.*, *Asin.* 548-553, *Most.* 1065; Ter. *Phorm.* 249 *cf.* Polyb. XX. 10. Plaut. *Bacc.* 823: "*astringite ad columnam fortiter*" *cf. Poen.* 1153: "*puteum ... ad robustum codicem.*" *Bacc.* 781: "*ferratusque in pistrino aetatem conteras*" *cf. Epid.* 121, *Pers.* 22, *Poen.* 827-8; Ter. *And.* 600. Plaut. *Most.* 4; Ter. *Phorm.* 249-50.

tioned, such as cutting off the hands, or breaking the ankle bones, but these cases were doubtless very exceptional.[1] Severity of treatment was not confined to the male slaves. The female slaves were subject to much the same penalties of flogging and fetters.[2]

Death was usually inflicted by crucifixion, the slave being led to execution wearing the yoke (*patibulum*). Sometimes nails were driven through the hands and feet.[3]

As slaves might naturally think of running away to escape punishment or to gain liberty, great care was taken to guard against it. Runaway slaves when recaptured might be put to death, or if their life was spared, were marked with a brand. Anyone who received a fugitive, moreover, was liable to a penalty for so doing. The best recourse for a delinquent slave was to find some influential man, *precator*, who would intercede with the master on his behalf.[4]

A slave might obtain his freedom either by purchase or in return for some unusual service. In some cases, if a slave belonging to a private individual had exhibited notable bravery or loyalty to the state, the state might purchase him from his master at public expense and then set him free.[5] According to the strictly legal formula of emancipation the

[1] Plaut. *Capt.* 667-8, *Rud.* 1059.

[2] Plaut. *Truc.* 775, *et seq. cf.* Ter. *Ad.* 846-7.

[3] Plaut. *Most.* 56, 360: "*offigantur bis pedes, bis bracchia*" *cf. Mil. Glor.* 359-60, 372-3: "*scio crucem futuram mihi sepulcrum; | ibi mei maiores sunt siti, pater, auos, proauos, abauos.*"

[4] Polyb. I. 69: runaway slaves when recovered might be put to death with torture in accordance with the law; Plaut. *Cas.* 401, *Poen.* 184; Ter. *Heaut.* 976: "*precatorem.*"

[5] Plaut. *Cas.* 474, *Asin.* 650, *et seq.*, Ter. *And.* 37-9: "*feci ex seruo ut esses libertus mihi, | propterea quod seruibas liberaliter: | quod habui summum pretium persolui tibi.*" Liv. XXVI. 27, XXXII. 26. 14.

master brought the slave before the praetor and pronounced the words "*liber esto*." The magistrate then ratified the act by striking the slave with his rod (*festuca*). A slave might also become free simply by the consent of his master without going through the technical legal formula, but such manumission was incomplete and unstable. Only the formal emancipation ratified by the authority of the magistrate was absolutely final.[1]

When a slave was set free, he would cut his hair and assume the cap (*pileus*) which was the sign of freedom. After the formal emancipation this was assumed in the temple of the goddess Feronia, but those who had been informally set free might, without further ceremony, simply assume the *pileus* or fillet their head with white wool as the symbol of their changed condition.[2]

According to law the slave had no legal rights but was to be regarded as a piece of property. Cato classes slaves with the cattle, the asses, and the work-implements in making the inventory of a country estate, and Polybius, who puts cattle and slaves "among those commodities which are the first necessaries of existence" (Polyb. IV. 38), in describing a certain state speaks of it as "populous as well as . . . richly furnished with slaves and other property" (Polyb. IV. 73). The slave had no rights of ownership except on sufferance from his master, no father, no marriage, no homeland—even his testimony was not accepted as legal

[1] Plaut. *Epid.* 730, Ter. *Ad.* 969-70 *cf.* Plaut. *Men.* 1148-9: "*liber esto* . . . | *sed meliorest opus auspicio, ut liber perpetuo siem*"; *Pers.* 487: "*i ad forum ad praetorem*"; *Mil. Glor.* 961: "*ingenuan an festuca facta e serua liberast.*"

[2] Plaut. *Pers.* 447: "*supplicatum cras eat.*" Liv. XXIV. 16. 18: "*pilleati aut lana uelatis capitibus uolones epulati sunt.*" Polyb. XXX. 19: "with shorn hair and wearing a cap, toga, and shoes, and in fact exactly in the garb worn by those recently manumitted at Rome, whom they call *liberti*."

evidence unless obtained through torture.[1] In Plautus (*Epid.* 257) the slave even feels it incumbent upon him to apologize for being more ingenious than a free man and prefaces his suggestion with a humble apology.

A slave usually expected to be kept at work until he outgrew his usefulness, and when he became old or sick, was often removed by a speedy sale.[2] He who had no hope of purchasing his freedom, could only resign himself to his lot as the aged Syra of the *Mercator* (671 *et seq.*), who, when she was chided by her mistress for not approaching more swiftly, answered: "I cannot, in truth, so heavy is the burden that I bear!" "What burden?" asks the mistress in astonishment, for the slave's hands are empty. "The burden of eighty-four years; and to this burden are added the burdens of slavery, of toil, of thirst. All these which I bear, weigh me down."

The slave had no recognized religious cult of his own. The master sacrificed for the entire *familia*. The *uilicus*, however, was allowed to make an offering to the Compitales, and the *uilica* was to decorate the house with a wreath on the Kalends, Nones, and Ides, and do reverence to the *Lar Familiaris*, although she could not perform any sacrifice nor order one to be performed without the command of the master or mistress. Either a slave or a free man was permitted to perform the rite of Mars Silvanus.[3]

The entire management of the household was conducted

[1] Cato *R. R.* X. Plaut. *Capt.* 574: "*quem patrem, qui seruos est*" *cf.* Caecilius Statius *Ex incert. fab.* IV, Ribb. *Frag. Com.* p. 74: "*quibus nec mater nec pater, | tanta confidentia? auferte istam enim superbiam*"; Plaut. *Pers.* 641: "*quando hic seruio, haec patriast mea.*" Ter. *Hec.* 773: "*ancillas dedo: quolubet cruciatu per me exquire*" *cf. And.* 771, 786, *Phorm.* 292-3.

[2] Cato *R. R.* II. 7; Plut. *Cat. maj.* 4.

[3] Cato *R. R.* V. 3, CXLIII. 1, 2; Mars Silvanus *cf. ibid.* LXXXIII: "*eam rem diuinam uel seruus uel liber licebit faciat.*"

on the principle that slaves were ready to steal whenever an opportunity offered, and this assumption of the thieving, deceitful qualities of slaves as a class runs all through the comedies. There are, however, in the same comedies striking instances of faithful attachment of slaves to their masters and of real affection between them, and doubtless such cases were not uncommon. As a matter of fact the slaves were probably not in general badly treated, and could look forward to obtaining their freedom and to being given a start by their master if they had served him faithfully.[1]

Not only, as has been noted, the self-interest of the masters would insure their slaves a certain degree of consideration and make them refrain from excessive harshness which would impair the health and therefore the value of their property, but also philosophy was gradually introducing broader and more humane ideas in counter-distinction to the old conception of the slave as a thing. Only in a state of society which had already felt these ideas would a slave, as in the *Asinaria* of Plautus (489-90), be able to say to a man of higher station: "*Tam ego homo sum quam tu.*"

[1] Plaut. *Asin.* 256-7, 272: "*illic homo aedis compilauit, more si fecit suo*" *cf.* Afranius *Talio*, Ribb. *Frag. Com.* p. 207: "*Uos quibus cordi est intra tunicam manus laeua* [*at*] *dextra in erile penum.*" For instances of attachment of slave *cf.* Messenio in the *Menaechmi*, Tyndaris in the *Captivi*, Geta in the *Adelphoe*.

CHAPTER V

Freedmen and Clients

The term "clientship" was originally applied to the hereditary legal relations between a poor citizen and a richer and more influential man to whom he had bound himself for protection by ties of mutual obligation. Slaves who had been liberated, also became the clients of their former master. Marquardt remarks that in the latter part of the Republic the class of clients in the original sense of the word was extinct. Only freedmen still composed it, and the term *patronus*, which originally was contrasted with that of *cliens*, had come to apply exclusively to the enfranchising master.[1] While it is true that the great majority of clients were now freedmen, there is evidence that traces of the old legal clientship still survived. Even later in the Republic Caius Herennius, when summoned as witness against Marius, claimed that he could not legally give such evidence as Marius was a client of his family, and his claim was allowed.[2]

Where the terms *cliens* or *patronus* are used in Plautus and Terence, it is not in every case possible to distinguish

[1] Marquardt, *Vie privée des R.*, vol. i, p. 239.

[2] Plut. *Marius* 5 *cf.* Cato *Orat. reliq.* XLI. 1, ed. Jord. p. 59: "*quod maiores sanctius habuere defendi pupillos quam clientem non fallere. aduersos cognatos pro cliente testatur, testimonium aduersus clientem nemo dicit. patrem primum, postea patronum proximum nomen habuere*"; Bruns, *Fontes Iuris Romani*, p. 24, *Tab.* V. 8; p. 33, Tab. VIII. 21.

the relationship implied. In the *Adelphoe* of Terence is an instance which may possibly represent hereditary clientship. Here the widow and daughter of a citizen, people of humble position and limited means, have suffered an injustice. Their slave appeals for help on their behalf to Hegio with the words: "*In te spes omnis, Hegio, nobis sitast: te solum habemus, tu es patronus, tu pater: ille tibi moriens nos commendauit senex: si deseris tu, periimus.*" To this Hegio replies: "*Caue dixeris: neque faciam neque me satis pie posse arbitror*". Later on, however, the dead father is mentioned as the friend and contemporary of Demea, the father of the culprit, and as the relative (*cognatus*) of Hegio. The exact status of Hegio as a protector, therefore, is not clear. As a *cognatus*, he would naturally have certain rights and duties towards the wife and child of his relative, and as a *patronus* it would also be his place to protect them. It is possible that the slave in making his appeal for aid, uses the expression "*tu es patronus*" simply to give force to his words.[1]

In the *Rudens* of Plautus Daemones rejoices in the fact of having acquired two clients in the shipwrecked maidens whom he protects from the *leno*, saying: "*Bene factum et uolup est me hodie his mulierculis tetulisse auxilium. iam clientes repperi.*" As these maidens are in a foreign territory in which they have no legal rights, the relationship here is based wholly on the question of protection. In Terence in the *Eunuchus* Thais commends herself to the father of her lover, and the formal expression is used: "*Se commendauit, in clientelam et fidem nobis dedit se.*"[2]

In freeing a slave the master became his *patronus*. The former slave was now called *libertus* or *libertinus*, and Livy

[1] Ter. *Ad.* 455-9, 465-6, 494.

[2] Plaut. *Rud.* 892-3; Ter. *Eun.* 1039-40.

uses the expression "*cliens libertinus*".[1] Suetonius states that in the time of Appius and for some time subsequently the word *libertinus* was applied not to those who were themselves emancipated but to their children, but if the condition described by Suetonius did exist, it is not found in Plautus. In Plautus the word *libertinus* is distinctly applied to the liberated slave. Moreover, after the second Punic War the children of freedmen were allowed to wear the *bullæ*, which was worn only by *pueri ingenui*.[2]

The ties of mutual obligation between master and freedman and between patron and client are now so closely connected that they may be considered as a whole. In freeing a slave the master, as has been said, became the *patronus* and still retained the right to certain services from the *libertus*.[3] It was customary to him to make some provision for the future of the *libertus*, and he might even loan or give him a certain capital although there was no legal obligation to make such provision.[4] The *libertus* frequently

[1] Liv. XLIII. 16. 4.

[2] Suet. *Claud.* 24: "*temporibus Appi et deinceps aliquandiu libertinos dictos non ipsos, qui manu emitterentur, sed ingenuos ex his procreatos.*" Plaut. *Mil. Glor.* 961-3: "*ingenuan an festuca facta e serua liberast?* | *...uah! egone ut ad te ab libertina esse auderem internuntius,* | *qui ingenuis sati' responsare nequeas quae cupiunt tui?*" Macrob. *Sat.* I. 6. 14.

[3] Sohm, *op. cit.*, p. 170, points out that as manumission was regarded as a kind of new birth, the master (*patronus*) stood to his freedman in a relation analogous to the relation between father and son. On the question of the duties of the freedman towards his patron *cf.* Karlowa, *op. cit.*, vol. ii, p. 142, *et seq.*: (1) *obsequium*, (2) *operae*, (3) *bona*.

[4] Ter. *Ad.* 979-81: "*siquidem porro, Micio,* | *tu tuom officium facies, atque huic aliquid paulum prae manu* | *dederis, unde utatur, reddet tibi cito*"; Plaut. *Epid.* 726-7: "*tibi dabo ... liberatatem. at postea?* | *nouo liberto opus est quod papet. dabitur, praebebo cibum*"; *Curc.* 547-8: "*nec mihi quidem libertus ullust. faci' sapientius* | *quam pars lenonum, libertos qui habent et eos deserunt.*"

continued his accustomed functions as personal attendant of the master or served him as manager of some business enterprise.[1]

If the client did not live in the house, he came each morning to pay his respects and inquire after the patron's health; he consulted him about all his affairs, even the marriage of his children;[2] and in case the patron was fined, the clients contributed towards the amount, sometimes so generously that in the case of Lucius Scipio "so large a contribution was made by his relations, friends, and clients that, if he had accepted it, he would have been much richer than before this misfortune."[3]

The patron in return looked after the legal interests of his client and refrained from giving testimony against him. For these judicial services he was not expected to receive any pecuniary reward.[4] The recognized force of the bond between *cliens* and *patronus* is significantly indicated in Plautus by the matter-of-fact assumption that the request of a *patronus* is "*tam . . . in procliui quam imber est quando pluit.*"[5]

In 168 B. C. freedmen were enrolled in the four city tribes, but those who had a son over five years old were given the political privilege of being rated in the tribe in which they had been enrolled at the time of the previous

[1] Plaut. *Men.* 1032-4: "*sed, patrone, te opsecro, | ne minus imperes mihi quam quom tuos seruos fui. | apud ted habitabo et quando ibis, una tecum ibo domum*"; Ter. *And.* 35, *et seq.*; Plut. *Cat. maj.* 21: "he [Cato] made those who wished to borrow money form themselves into an association of fifty persons . . . and held one share in the undertaking himself, which was managed by the freedman Quintio."

[2] Plaut. *Pers.* 78; Plut. *Cat. maj.* 24.

[3] Liv. XXXVIII. 60. 9.

[4] Plaut. *Men.* 580, *et seq.*; Plut. *Marius* 5; Liv. XXXIV. 4. 9.

[5] Plaut. *Capt.* 335-6.

census, and those who had a farm in the country which was worth more than 30,000 HS. were allowed to be included in the country tribes. Freedmen might be called on for service in the navy under free-born officers, and in 217 B. C. in the levy of a new army at Rome after Trasimene, Livy tells us that freedmen who had children and were of military age, had taken the military oath.[1]

The prominent men of the time were already surrounding themselves more and more with large numbers of dependents, whom they attached to themselves by their generosity and protection. The character of the client became a minor consideration. Plautus puts in the mouth of one of one of his characters a satirical reflection on these changing conditions: "What a foolish and bothersome custom we have! And the richer and more prominent a man is, the more he follows it. Everyone wants a great crowd of clients! Whether these clients are reputable or disreputable, that makes not a particle of difference." [2]

The throng of clients included still another class: the literary men who attached themselves to some great man as hangers-on and enjoyed his patronage. As example of this is Ennius, who became the client of M. Fulvius Nobilior. Naturally a literary man who was thus connected with a distinguished house, not only turned his talents more or less to the praise and glorification of his patron but was influenced as well in the expression of his opinions by the views of his lord. In this form, therefore, clientship was extremely important, as the patrons through their control

[1] Liv. XLV. 15. 1, 2; XL. 18. 7, XLII. 27. 3; XXII. 11. 8. Although the manumitted slave at Rome became a citizen, he did not have full rights. *Cf.* Sohm, *op. cit.*, p. 170; Girard, *op. cit.*, pp. 124-5.

[2] Plaut. *Men.* 571, *et seq.*

of the literary men gained a certain amount of control over public opinion.[1]

In many cases the slaves who has obtained their freedom made undesirable citizens who brought into civil life habits of idleness and unreliability, such citizens as Plautus pictures in the *Persa*, the *Poenulus*, and the *Menaechmi*, men who had but recently given up their *peculium* in order to be counted as citizens, and who, rendered arrogant by their unaccustomed independence, feared nothing so much as to be mistaken for slaves; men who except perhaps on the occasion of an invitation to dinner, refused to hurry, no matter how important the business on which they were summoned, on the ground that "it befits a freeman to walk through the city at a moderate pace . . . it is the part of a mere slave to tear along at full speed." Lazy and quarrelsome, they haunted the courts, and Plautus humorously describes them:

[1] Aul. Gell. XII. 4 gives a passage from Ennius describing a typical friend of such a great lord:

"*haece locutus uocat, quocum bene saepe libenter*
mensam sermonesque suos rerumque suarum
comiter inpertit, magnum cum lassus diei
partem fuisset de summis rebus regundis
consilio indu foro lato sanctoque senatu;
cui res audacter magnas paruasque iocumque
eloqueretur et + cuncta malaque et bona dictu
euomeret, si qui uellet, tutoque locaret,
quocum multa uolup <ac> gaudia clamque palamque;
ingenium, cui nulla malum sententia suadet
ut faceret facinus leuis aut malus; doctus, fidelis,
suauis homo, facundus, suo contentus, beatus,
scitus, secunda loquens in tempore, commodus, uerbum
paucum, multa tenens antiqua sepulta, uetustas
quem facit et mores ueteresque nouosque tenentem,
multorum ueterum leges diuumque hominumque;
prudenter qui dicta loquiue tacereue posset:
hunc inter pugnas conpellat Seruilius sic."

"nam istorum nullus nefastust: comitiales sunt meri;
ibi habitant, ibi eos conspicias quam praetorem saepius."
(*Poen.* 584, *et seq.*)

The ambitions of the time for commercial aggrandizement, for palatial residences, for throngs of slaves, naturally became the ambitions of the freedman himself. Forgetful of his own recent servitude or desirous of enjoying for himself the feeling of owner rather than chattel, he aimed without being over-scrupulous as to the means of acquisition, at the goal expressed by Gripus, the slave of the *Rudens:*

"iam ubi liber ero, igitur demum instruam agrum atque aedis, mancupia nauibu' magnis mercaturam faciam, apud reges rex perhibebor." [1]

[1] Plaut. *Pers.* 838-9, *Poen.* 515, *et seq.*, *Men.* 580, *et seq.*, *Rud.* 930, *et seq.*

CHAPTER VI

Finance and Industry

In his discussion of the question whether or not Plautus presents to his audience the outward conditions of Roman life, Sellar remarks that "the only differences in station among his personages are those of rich and poor, free and slave. There is no recognition of those great distinctions of birth, privilege, and political status which were so pervading a characteristic of Roman life." [1]

Far from being a strong proof that the comedies do not portray the environment of the poet, however, the very emphasis on this distinction is a striking reflection of the changing economic conditions in Rome at the time. The political contrast of patrician and plebeian had disappeared, but there was fast growing up in the state a contrast equally sharp between rich and poor. The period is marked by a pronounced development of commerce and trade and of speculation on a large scale, and in consequence by the steadily increasing importance of a class of wealthy men engaged in such enterprises.

In all matters pertaining to money the Roman attitude was one of the utmost accuracy and precision. This was carried so far that, as Polybius tells us, "no one will pay a single talent before the appointed day; so excessively particular are they about money and so profitable do they consider time." [2] Not only did this exactness call forth a reg-

[1] Sellar, *Roman Poets*, p. 169.

[2] Polyb. XXXII. 13.

ular system of banking, but also each individual kept his private account, *ratiuncula*, which included such items as the amount on hand at the bankers, the sums which had been lent out or borrowed, the expenditure for provisions, and the like.[1]

Little ready money was kept in the house.[2] Instead it was deposited either in a temple[3] or with the professional bankers, *argentarii*, and withdrawn in varying amounts as it was needed. The business methods of the bankers were similar in some respects to the modern, and careful records were kept of deposits, withdrawals, transfers, and interest due.[4] It was not necessary for a depositor to draw out the actual money and pay it over in order to discharge an obligation unless he wished, as he could give a *scriptum* which apparently corresponded to the modern check.[5] A business device similar to our promissory note also existed.[6] In some transactions the man would simply leave instructions with his banker, who then paid over the money to the other party when it was called for and entered the transfer on his records.[7]

The most important activity of the *argentarius* was the loaning of money at interest. The financial responsibility

[1] Plaut. *Capt.* 192-3: "*ibo intro atque intus subducam ratiunculam*"; *Curc.* 371-4: "*subduxi ratiunculam | quantum aeris mihi sit quantumque alieni siet*"; *Truc.* 740; Cato *R. R.* II. 5: "*rationes putare argentariam.*"

[2] Plaut. *Asin.* 116, *Aul.* 580, *et seq.*, *Bacc.* 1060.

[3] Deposits of money in temples: Plaut. *Aul.* 580, *et seq.*, 608, *et seq.*, *Bacc.* 312-3: "*ibidem publicitus seruant.*"

[4] Plaut. *Aul.* 527: "*putatur ratio cum argentario*"; *Epid.* 53-4; Polyb. XXXII. 13.

[5] Plaut. *Trin.* 982: "*fassu's Charmidem dedisse aurum tibi. scriptum quidem*"; *Curc.* 345-7.

[6] Plaut. *Asin.* 439, *et seq.*: "*priu'quae credidi, uix anno post exegi; | nunc sat agit: adducit domum etiam ultro et scribit nummos.*"

[7] Polyb. XXXII. 13.

of would-be borrowers was carefully examined, and the place of the modern mercantile agency with its credit lists was filled to some extent by individual initiative. In case a person had been found to be a bad risk, a warning was circulated through the city advising people not to trust him if he tried to arrange for a loan.[1] The rates of interest were very often usurious, and attempts were made by the state to check this by severe laws, by which, for example, a usurer was compelled to pay four times the sum, whereas a thief was fined only twice the value of the stolen article.[2] These laws, however, continued to be evaded or broken by the *argentarii*, who regarded them as "boiling water that soon cools off." A method which was practised to escape the legal restrictions imposed, was to transfer the money through one of the allies who were not subject to the law of Rome, and this practice became such a crying evil that in 193 B. C. it was decreed that all financial business within the peninsula be subject to Roman law.[3]

The low esteem in which the *argentarii* were held, involving the general opinion of their untrustworthiness, is not only expressed by Cato, but runs all through the comedies. We are told that when money has been entrusted to an *argentarius*, he "flees from the forum more quickly than a hare when it is let out at the games" or than "a carriage wheel turns at full speed"; that it is better to be "*forno occensos quam foro*," and so on.[4] The frequency of the

[1] Plaut. *Pseud.* 303-4: "*annorum lex me perdit quinauicenaria.* | *metuont credere omnes*"; *Merc.* 51-2: "*conclamitare tota urbe et praedicere* | *omnes tenerent mutuitanti credere.*"

[2] Cato *R. R. Praef.* 1: "*ita in legibus posiuerunt, furem dupli condemnari, faeneratorem quadrupli*" *cf.* Plaut. *Poen.* 184, 1351.

[3] Plaut. *Curc.* 511, 377-9; Liv. XXXV. 7. 1-5.

[4] Cato *Mem. Dict.* 63, ed. Jord. p. 108: "*quid fenerari? tum Cato, quid hominem, inquit, occidere?*" Plaut. *Pers.* 435-6, 442-3, *Curc.* 506-8, *Epid.* 119 *cf. Curc.* 376-79, 679-85.

references to the bankers is a proof of their importance and of the prominent part which they played in the daily life of the city, and the apparent immunity with which they continued to evade the laws is evidence of their power.

The four most usual investments for the rich apart from that of loaning money at high interest are given by Plautus: public work, maritime commerce, trade (*mercatura*), or slave-traffic.[1] Polybius gives an account of the system of getting public work done by contract. These contracts, which were awarded by the censors and were under the control of the Senate, provided not only for such important matters as the collection of revenue and the construction of buildings but also for the restoration and repair of temples, of aqueducts and sewers, the paving of streets, and other matters of the kind extending even to minor details like the erection of iron gates in the Circus.[2] Contracts were also awarded for the equipment of the army, and in these agreements the transporting of the supplies was at the risk not of the contractor but of the state. That the censor did not award all public contracts is shown by the fact that the contract for supplies for the army in Macedonia was awarded by the praetor.[3]

Companies were formed, and the ramifications of contract work were so widely extended that nearly all persons in the state were in some way interested, either as contractors themselves, as securities for the contractors, or as employes in the work.[4] In general the contracts were awarded

[1] Plaut. *Trin.* 331-2: "*publicisne adfinis fuit an maritumis negotiis?* | *mercaturam an uenalis habuit?*" *cf. Rud.* 930, *et seq.*

[2] Polyb. VI. 17; Liv. XXXII. 7. 3 (*portoria*), XLII. 19. 1-2 (revenue of *ager Campanus*) *cf.* Plaut. *Truc.* 143, *et seq.* (*scriptura*). Variety of contracts awarded by censors: Liv. XXXIX. 44. 5, *et seq.*, XL. 51. 2, *et seq.*, XLI. 27. 5, *et seq.*

[3] Liv. XXIII. 49. 2, XXV. 3. 10, XLIV. 16. 4.

[4] Polyb. VI. 17.

on extremely profitable terms. Cato in his censorship farmed out the different branches of the revenue at very high prices and "bargained with the contractors for the performance of the public services on the lowest terms," but he was exceptional in his strictness. Even under him, when certain government contractors discovered that an unprofitable contract had been awarded them, they were powerful enough to persuade the Senate to re-open the bidding.[1]

The collection of the various revenues was the most important function of the *publicani* (state contractors) and one in which they employed a host of subordinates. The customs dues which were levied everywhere throughout the Roman dominions, were farmed out by the censors for the various places.[2] In 187 B. C. when permission was granted to the Ambracians of levying "what duties (*portoria*) they thought proper on goods conveyed by land or sea," it was stipulated that the Romans and the Latin allies should be exempt from them, but in 179 B. C. many port duties and customs were established,[3] and it is evident from the comedies that the *portoria* were in full force in the time of Plautus and Terence.[4]

The customs officials were evidently quite as troublesome as those of to-day, or even more so. They closely inspected everything that was brought in; opened sealed letters to make sure that they contained nothing contraband; and subjected people to a searching cross-examination. The very name *portitor* was so significant of pertinacious questioning

[1] Liv. XXXIX. 44. 7; Plut. *Cat. maj.* 19.

[2] Liv. XXXII. 7. 3: "they also farmed the port-duties at Capua, and at Puteoli, and of the fort situated where the city now stands."

[3] Liv. XXXVIII. 44. 4, XL. 51. 8.

[4] Plaut. *Men.* 117-8, *Asin.* 241-2, *Stich.* 366, *Trin.* 794-5; Ter. *Phorm.* 150, *cf.* Caec. Stat. *Hypobolimaeus Aeschinus*, Ribb. *Frag. Com.* p. 51.

that in the *Menaechmi* of Plautus a husband, complaining of the curiosity of his wife as to his most trifling actions, exclaims: "I have married a *portitor*—I have to tell her all my business, everything I have done and everything I am doing." [1]

The collection of the revenue from the public lands also offered a large field of activity to the *publicani*.[2] Plautus satirizes their collection of the *scriptura*, the quota paid by the occupants on their herds, but he comments as well upon the landholders themselves. While the *publicani* are "*peiuriosi*," on the other hand if the occupants of the land have managed their affairs badly and have not the wherewithal to pay the *scriptura*, they blame the *publicani* anyway, and it is a question which to prefer.[3]

The public lands were regarded as a good investment by the wealthy, and their hold upon them was steadily developing. In 196 B. C. the aediles had fined several farmers of state pasturage, *pecuarii*,[4] but conditions were changing. By 173 B. C. private individuals in Campania, for example, had gradually extended their bounds so as to include a considerable part of the public lands, and the State was apparently unable to oppose them effectively, or even force them to accept an indemnity in exchange for the land as authorized by the Senate.[5] The acquiescence of the state shows

[1] Plaut. *Trin.* 794-5: "*apud portitores eas resignatas...| inspectasque*"; *Men.* 117-8.

[2] Liv. XLII. 19. 1-2.

[3] Plaut. *Truc.* 143, *et seq.*

[4] Liv. XXXIII. 42. 10.

[5] Liv. XXVII. 3. 1, XLII. 1. 6, 9. 7, 19. 1-2. Cic. *de Leg. agrar.* II. 30. 82: "*quod, cum a maioribus nostris P. Lentulus in ea loca missus esset ut priuatos agros, qui in publicum Campanum incurrebant, pecunia publica coemeret, dicitur renuntiasse, nulla se pecunia fundum cuiusdam emere potuisse: eumque, qui nollet uendere, ideo negasse se adduci posse, uti uenderet.*"

clearly the influence which had been acquired by the capitalists.

An attempt at repression was made in 169 B. C. by an edict that no tax-farmer nor contractor for public works at the previous *lustrum* should be admitted to the auctions of that year, nor even be allowed an interest in them as shareholder. The cause of the *publicani*, however, was upheld by the tribune P. Rutilius Rufus, who proposed that the awards made by the censors should be annulled. When the censors attempted to combat this proposal, a charge of *perduellio* was brought against them. They were acquitted, but the power of the *publicani* and the risk incurred by anyone interfering with their speculations is shown by the possibility of such a charge being brought.[1] Another proof of the strong position they held is found in the fact that even when the Senate was aware of fraudulent practices to cheat the state, no official action was taken to check them, as "the fathers were unwilling that any offense should be given to the order of revenue farmers while affairs were in such a state." [2]

The second form of investment suggested by Plautus. marine commerce, while recognized as extremely lucrative and one in which a man might quadruple his fortune, was also regarded as very precarious. The number and strength of the pirates who swarmed on the seas was the greatest source of danger, and during the wars with Carthage there was the additional risk of being captured by the enemy's fleet.[3]

[1] Liv. XLIII. 16. 1, *et seq.*

[2] Liv. XXV. 3. 12.

[3] Cato *Praef.* 1, 3: "*praestare mercaturis rem quaerere, nisi tam periculosum sit ... mercatorem autem strenuum studiosumque rei quaerendae existimo, uerum ... periculosum et calamitosum*"; Plaut. *Stich.* 402, *et seq.*: "*quadruplicauit rem meam*"; *Trin.* 1087-9, *Mil. Glor.* 117-8; Liv. XXII. 11. 6.

At the beginning of the Punic wars Roman merchants exported goods to some extent,[1] but as time went on attention became largely devoted to the importation of provisions, owing in part to the decline in the supply of grain produced in Italy and in part to the rapid increase of the city population. The import, in fact, was sometimes so large, and the prices in consequence so cheapened that the unfortunate merchant would willingly "surrender the corn to the mariners for the freight." [2]

As the hazards of marine commerce made it unwise for an individual to sink all his capital in a single vessel, associations were frequently formed to divide the risk. In such an organized society of navigation the shareholders united and constructed a number of vessels at common expense.[3] In this way the liability was divided, and the chances of loss were accordingly diminished.

This maritime trade was almost exclusively in the hands of the knights. Senators and sons of senators were debarred from engaging openly in such enterprises, as by the *lex Claudia* of 218 B. C. they were forbidden to have at sea a vessel of more than three hundred amphoras, a tonnage sufficient only for the transport of the products of their own estates.[4] It is probable that this law was not always observed, however, and by the time of Cicero it was entirely dead.[5]

It was not only the wealthier class with their enterprises

[1] Polyb. I. 83.

[2] Liv. XXII. 37. 6, XXX. 26. 6, XXXI. 4. 6; XXXI. 50. 1: cheapness of provisions *cf.* XXX. 38. 5.

[3] Plut. *Cat. maj.* 21.

[4] Liv. XXI. 63. 3-4: *lex Claudia.*

[5] Cic. *in Verr.* II. v. 18. 45: "*ne quaeram, qui licuerit aedificare nauem senatori. Antiquae sunt istae leges, et mortuae quemadmodum tu soles dicere, quae uetant.*"

on a large scale who were interested in foreign trade. There were also a number of citizens of moderate fortune who recognized the advantages of traffic abroad.[1] Even soldiers in the armies, who obtained leave of absence while the forces were in winter quarters, "generally carried money in their purses for the purpose of trading." [2]

Retail trade and handicrafts were regarded by the upper classes at Rome with prejudice, and the work was in many cases in the hands of freedmen or of slaves who carried it on for the profit of their master. Certain *artes* were distinguished as *artes ludicrae*, which apparently referred to such modes of livelihood as that of the dancer, the juggler, and the actor.[3]

A highly developed tendency towards specialization of labor and concentration of attention upon artistic workmanship is evident in the comedies. The character of the plays as a source naturally lays particular stress upon the specialization among workers in cloth and articles of clothing and adornment. We hear of different cloth-workers as the *fullones* (fullers), the *linteones* (linen-workers), the *lanarii* (wool-workers), the *textores limbularii* (fringe-makers); of experts in various dyes (*infectores*), as the violet-dyers (*violarii*) and the dyers of different shades of yellow (*carinarii, molocinarii, corcotarii*), of makers of special parts of the costume as the *flammarii* (veil-makers), the *manulearii* (muff-makers), the *caupones patagiarii* (border-makers), the *zonarii* (girdle-makers); of makers of

[1] Plaut. *Stich.* 402, *et seq.*, *Merc.* 74-7: "*agrum se uendidisse atque ea pecunia | nauim ... parasse atque ea se mercis uectatum undique, | adeo dum, quae tum haberet, peperisset bona*"; *Rud.* 930, *et seq.*

[2] Liv. XXXIII. 29. 4.

[3] Plaut. *Aul.* 626-7: "*coepit artem facere ludicram | atque ... emicare*"; *praestrigiator*: Aul. 630, Poen. 1125; *praestigiatrix*: *Amph.* 782; *ludius*: *Aul.* 402.

special varieties of foot-gear, as the *calceolarii*, the *sutores diabathrarii*, the *solearii;* of the *supellex pellionis* (furrier); and so on.[1]

However, from the mention in metal-work of the gold-smith, the lead-worker, the maker of jewel-caskets, and from the mention in pottery of the *ampullarius*, we may infer that the same movement extended also to other fields of production. Among the list of trades and to give some idea of their scope and variety may be mentioned the *materiarius* (timber-merchant), the *lignarius* (carpenter), the *unguentarius* (dealer in unguents), the *holitor* (kitchen-gardener), the *baiiolus* (porter), the *cetarius* (fish-monger), the *fartor* (poulterer), the *uinarius* (wine-merchant), the *scutarius* (shield-maker), the *restio* (rope-maker) and the *uitor* (basket-maker).[2]

[1] Plaut. *Aul.* 508, *et seq.*: "*stat fullo, phyrgio, aurufex, lanarius;*
caupones patagiarii, indusiarii,
flammarii, uiolarii, carinarii;
aut manulearii, aut murobatharii,
propolae linteones, calceolarii;
sedentarii sutores diabathrarii,
solearii astant, astant molocinarii;
petunt fullones, sarcinatores petunt;
strophiarii astant, astant semul zonarii.
iam hosce apsolutos censeas: cedunt, petunt
treceni, quom stant thylacistae in atriis
textores limbularii, arcularii.
. . . . . .
. . . . *infectores corcotarii.*"

Cf. Mil. Glor. 691, *et seq., Epid.* 222, *et seq.*; *supellex pellionis*: *Men.* 404.

[2] *Aurufex*: Plaut. *Aul.* 508, *Men.* 525.; worker in lead: Cato *R. R.* XXI. 5; *arcularius*: Plaut. *Aul.* 519.; *ampullarius*: *Rud.* 756; *materiarius*: *Mil. Glor.* 920; *lignarius*: Liv. XXXV. 41. 10; *unguentarius*: *Poen.* 703 *cf. myropola*: *Trin.* 408, *Cas.* 238; *holitor*: *Trin.* 408, *Mil. Glor.* 193; *baiiolus*: *Poen.* 1301, 1354; *cetarius*: Ter. *Eun.* 257; *fartor*: Ter. *Eun.* 257, Plaut. *Truc.* 104; *uinarius*: *Poen.* 838, *Asin.* 436; *scutarius*: *Epid.* 37; *restio*: *Most.* 884; *uitor*: *Rud.* 990 *cf.* Don. *ad Ter. Eun.* IV. 4. 21.

There were also certain trades existent at Rome at this time which deserve special mention because of their recent innovation and their interest as a direct outgrowth of changing conditions. Shipbuilding had not been carried on extensively by the Romans until the Punic wars brought the need of a navy, but the careful and detailed description given in one of the comedies of the entire construction of a vessel shows that knowledge of this field of labor must already have become so current that its terms were intelligible to the audience.[1]

Although barbers, *tonsores*, had been brought in from Sicily in 300 B. C., they were not much patronized. Some of the younger generation might adopt the practice of being shaved daily, but the more conservative Romans still kept to the custom of beard and unclipped hair.[2] As a straggling, unkempt beard, however, was regarded as slovenly, there was some call even among them for the services of the *tonsor*.[3] The *tonsor* also included in his functions the care of the nails.[4]

Public cooks who hired out their services for the prep-

[1] Plaut. *Mil. Glor.* 915-21: "*...ubi probus est architectus,*
bene lineatam si semel carinam conlocauit,
facile esse nauem facere, ubi fundata, constitutast.
nunc haec carina sati' probe fundata, [et] bene statutast,
adsunt fabri architectique <adsunt> ad eam haud inperiti.
si non nos materiarius remoratur, quod opus<t>qui det
(noui indolem nostri ingeni), cito erit parata nauis."

[2] Plin. *H. N.* VII. 59 (59). 211: "*in Italiam ex Sicilia uenere [tonsores] post Romam conditam anno CCCCLIIII adducente P. Titinio Mena...antea intonsi fuere. Primus omnium radi cotidie instituit Africanus sequens.*" Hor. *Od.* II. 15. 11: "*intonsi Catonis*"; Plaut. *Capt.* 266-7:

"*nunc senex est in tostrina, nunc iam cultros adtinet.*
ne id quidem, inuolucre inicere, uoluit, uestem ut ne inquinet."

[3] Liv. XXVII. 34. 6: "*tonderi et squalorem deponere.*"

[4] Plaut. *Aul.* 312-3: "*quin ipsi pridem tonsor unguis dempserat:*
conlegit, omnia apstulit praesegmina."

aration of banquets were coming, with the growth of luxury, to hold an important place in the life of the day.[1] The industry of public baking was introduced into Rome in 174 B. C. According to Pliny the name *pistores* was applied only to those men "*qui far pisebant*," but in the time of Plautus there were merchants at Rome who sold bread and were called *pistores*.[2]

Different branches of business were each concentrated in a special locality. The forum was the great center of activity, and the bankers carried on their financial transactions there, back of the temple of Castor. The first basilica was constructed by Cato, censor in 184 B. C., another by the censors M. Fulvius and M. Aemilius Lepidus in 179 B. C., and still another, the Basilica Sempronia, in 169 B. C. While these buildings were especially for the use of the tribunals, they were also used to a large extent by the merchants and bankers.[3] Various shops were located in the forum in the Tabernae Veteres and Tabernae Novae.[4] For the provision merchants there were for a time separate fora for the several kinds of goods, such as the *forum boarium* or cattle-market, the *forum olitorium* or vegetable-market,

[1] For public cooks see chapter on "Slaves."

[2] Plin. *H. N.* XVIII. 11. (28). 107: "*pistores Romae non fuere ad Persicum usque bellum annis ab urbe condita super DLXXX. ipsi panem faciebant Quirites, mulierumque id opus maxime erat ... artoptas iam Plautus appellat in fabula, quam Aululariam inscripsit,* [*Aul.* 400] *magna ob id concertatione eruditorum, an is versus poetae sit illius ... pistoresque tantum eos, qui far pisebant, nominatos.*" Plaut. *Asin.* 200-1: "*quom a pistore panem petimus, ... | si aes habent, dant mercem*"; *Trin.* 407, Curc. 483.

[3] Plaut. *Curc.* 481: "*pone aedem Castoris, ibi sunt subito quibu'credas male.*" Bankers in forum: *cf. Pers.* 435-6, *Asin.* 116-7, *Curc.* 480. Construction of Basilicas: Porcia: Liv. XXXIX. 44. 7; Plut. *Cat. maj.* 19; of Basilica Fulvia and Aemilia: Liv. XL. 51. 4; of Basilica Sempronia: Liv. XLIV. 16. 10. Plaut. *Curc.* 472: "*sub basilica*".

[4] Plaut. *Curc.* 480: "*sub ueteribus*"; Liv. XXVI. 27. 2.

and the *forum piscatorium* or fish-market, but all these were later brought together in one place, called the *macellum*, built in 179 B. C. by M. Fulvius Nobilior. All goods offered for sale in the market were closely inspected by the aediles, and any not up to the standard were barred out.[1] In the Velabrum were the *pistores*, the *lanii*, and the *olearii;*[2] outside the Porta Trigemina the carpenters.[3]

Industrial guilds of various kinds had existed from very early times, and combines among the merchants of a guild to maintain a fixed price in restraint of trade were not uncommon in spite of the laws against such coalitions. Plautus humorously alludes to this practice by the complaint he puts in the mouth of Ergasilus in the *Captivi:* "I went first to one man, then to another, then to still another; the same thing everywhere! They all do business by mutual agreement like the oil-merchants in the Velabrum."[4] It has been established as probable that in the present period the method of organization into *collegia* had extended even to the professional cooks,[5] but the price for their services varied according to their ability.

[1] *Forum boarium*: Liv. XXI. 62. 3, XXXIII. 27. 4; *forum olitorium*: Liv. XXI. 62. 3, XXXIV. 53. 3; *forum piscatorium*: Liv. XL. 51. 5; Plaut. *Curc.* 474. *Macellum*: *Ter. Eun.* 255 *cf.* Plaut. *Pseud.* 790, *Rud.* 979-80: "*quom extemplo in macello pisces prolati sient,* | *nemo emat.*" *cf. Pseud.* 169, *Aul.* 373, *et seq.*; Varro *L. L.* V. 146-7: "*Forum Boarium, Forum Olitorium,... Piscarium..Cuppedinis...Haec omnia posteaquam contracta in unum locum quae uictum pertinebant et aedificatus locus, appellatum Macellum.*" *cf.* Müller's *Handbuch*, vol. iii, sec. ii, pp. 192-3, p. 310. Plaut. *Rud.* 372-3: "*quamuis fastidiosus* | *aedilis est: quae inprobae sunt merces, iactat omnis.*"

[2] Plaut. *Capt.* 489: "*in Velabro olearii*"; *Curc.* 483: "*in Velabro uel pistorem uel lanium uel haruspicem.*"

[3] Liv. XXXV. 41. 10: "*extra portam Trigeminam inter lignarios.*"

[4] Plaut. *Capt.* 488, *et seq.*

[5] Harcum, *Roman Cooks* (Baltimore, 1914), pp. 16-17: the assumption is based upon an inscription *C. I. L.* XI. 3078. This inscription states

Business associations and partnerships were common, and the system of contracting which was employed on a large scale for public work was also much used for private transactions. The owner of the farm, for example, was careful to leave a written list of those matters for which contracts were to be awarded or taken. These contracts included such matters as building and construction work, gathering the olive crop, burning lime, and the like.[1] Naturally not all mercantile transactions were on a cash basis, and among responsible business men a credit system on large purchases existed.[2] Business, both public and private, was carried on by sealed tablets, and the receptacles in which wares were stored were also sealed and inscribed with the name of the owner.[3]

Sales, *auctiones*, were held then as now to dispose of a house or its furnishings or other articles for which the owner no longer had a use or on which he wished to realize money without delay. A crier was sent out to make procla-

that a gift was presented to Jupiter, Juno, and Minerva by a *conlegium* of Faliscan cooks who were then in Sardinia. As the language dates it as far back as the time of Plautus, it is a proof "that cooks were of considerable importance in other parts of Italy besides Rome, and hence also in that city by his time."

[1] Cato *R. R.* II. 6: "*quae opus sint locato, locentur: quae opera fieri uelit et quae locari uelit, uti imperet et ea scripta relinquat*"; *ibid.*, XIV: "*uillam aedificandam si locabis nouam ab solo.*" Plaut. *Most.* 915: "*bene res nostra conlocata est istoc mercimonio.*" Cato *R. R.* CXLIV: "*oleam legendam hoc modo locare oportet*"; CXLV: "*oleam faciundam hac lege oportet*"; XVI.

[2] Plaut. *Pseud.* 301: "*eme die caeca hercle oliuom, id uendito oculata die.*"

[3] Plaut. *Curc.* 551-2: "*stultior stulto fuisti qui is tabellis crederes | quis res publica et priuata geritur, nonne is crederem*"? *cf. Pers.* 248, *Mil. Glor.* 130, *Trin.* 788-90, *Bacc.* 715 gives the implements of letter-writing: "*stilum, ceram et tabellas, linum*"; *Poen.* 836-7: "*ibi tu uideas litteratas fictilis epistulas, | pice signatas, nomina insunt cubitum longis litteris,*" *cf. Rud.* 478.

mation of the event throughout the city, and it was also announced by conspicuous posters. The man with something to sell, whether a residence at auction or a jar of wine in some dark wine-shop, was fully alive to the value of the modern slogan, "It pays to advertise." This is shown in the loud proclamations and prominent posters and in the cubit-tall inscriptions of the earthen vessels from which the purchaser might choose his favorite.[1]

With similar appreciation of the value of publicity, notices of articles lost and found were also posted. In Plautus we find a slave proclaiming in the following words his good intentions in the matter of the well-filled purse he has found: "I will advertise everywhere in letters a cubit high that if anyone has lost a wallet containing a large sum in gold and silver, he can apply to Gripus for it." [2]

[1] *Auctiones*: Cato *R. R.* II. 7; Plaut. *Epid.* 235, *Poen.* 1421, *Stich.* 201-4 *cf.* 193-5: "*ut mores barbaros | discam atque ut faciam praeconis compendium | itaque auctionem praedicere*" *cf. Men.* 1155-6, *Poen.* 11, *et seq.*; *Trin.* 168: "*aedis uenalis hasce inscribit litteris*"; Ter. *Heaut.* 144-5. Plaut. *Poen.* 836-7: "*nomina insunt cubitum longis litteris.*"

[2] Plaut. *Rud.* 1294-6.

CHAPTER VII

Religion

A general survey of the religious attitude of this period is significant in view of the many changes which were in progress. Sayous in his *Essai sur l'histoire de la religion romaine pendant les guerres puniques* gives an interesting interpretation of the official attitude. He says:

Ce même instinct politique du Sénat romain qui lui conseillait d'associer les traditions helléniques à la grandeur romaine, lui suggérait l'idée d'ouvrir de nouvelles portes à l'ambition de la cité par l'introduction, dans la cité, de religions nouvelles. Les deux choses se tenaient, sans que l'on s'en rendit bien compte: aller chercher des dieux plus loin, c'était se préparer de plus lointaines conquêtes.[1]

The Roman religion had begun to admit the mystic cults of the Orient before the end of the third century B. C. Cybele, the *Magna Mater*, brought by the Senate from Phrygia in Asia Minor, had been installed with great pomp in 204 B. C. This was done in the period of tension near the close of the war with Hannibal in accordance with the advice of the Sibylline books that "*quandoque hostis alienigena terrae Italiae bellum intulisset, eum pelli Italia uincique posse, si Mater Idaea a Pessinunte Romam aducta foret.*" The goddess, represented by a meteorite, was placed temporarily in the temple of Victory on the Palatine, but soon

[1] Sayous, *Essai sur l'histoire de la religion romaine pendant les guerres puniques* (Paris, 1887), p. 74.

after a temple was built for her. From the beginning a priest and priestess of Phrygia were attached to the temple on the Palatine. It was ordered by a *senatus consultum*, however, that no Roman should take part in her service.[1]

Another foreign worship and one which became especially popular, was that of Dionysus, the Bacchanalia. This cult was brought to Etruria by a Greek priest, and penetrating from there to Rome, quickly increased the number of its proselytes until they reached over seven thousand. The highly emotional character of the worship contained many features repulsive to the more conservative part of the population, however, and in 186 B. C. it was officially suppressed by the Senate as a source of danger to the state. The decree nevertheless permitted that if anyone had vowed to perform Bacchanalia, he should have the privilege under certain restrictions.[2] Livy in his report of the events leading up to this decree gives a vivid account of the excesses of the devotees. Some of the disturbances to which he refers, such as the "*crepitibus etiam ululatibusque nocturnis*," were indisputable,[3] but in forming an opinion one must make allowances for the canonical Roman attitude towards secret religions of any kind and remember that much the same charges of immorality were later brought against Christianity.

[1] Liv. XXIX. 10, 14; XXXVI. 36. 3 (191 B. C.); Graillot, *Le Culte de Cybèle* (Paris, 1912), p. 74; *cf.* Fowler, *The Religious Experience of the Roman People* (London, 1911), p. 330; Sayous, *op. cit.*, p. 78.

[2] Liv. XXXIX. 8, *et seq.*, 17. 6: "*coniurasse supra septem milia uirorum ac mulierum dicebantur*"; 18. 8-9: "*si quis tale sacrum sollemne et necessarium duceret, nec sine religione et piaculo se id omittere posse, apud praetorem urbanum profiteretur, praetor senatum consuleret; si ei permissum esset, cum in senatu centum non minus esset, ita id sacrum faceret, dum ne plus quinque sacrificio interessent, neu qua pecunia communis neu quis magister sacrorum aut sacerdos esset*"; *cf. C. I. L.* I. 196.

[3] Liv. XXXIX. 15. 6.

In Plautus there is amusing reference to the conduct of the worshipers. A husband, returning home with his cloak and staff missing, attempts to satisfy the questions of his spouse by stammered pleas of "the Bacchae . . . the Bacchae!" To this the good lady scornfully and not very politely answers: "That's all nonsense and you know it, for there are no Bacchae ranging abroad nowadays—I'll take oath to that." [1]

A little later apparently the cult of Isis and Serapis appeared. They are known to have been introduced into South Italy in the first half of the second century B. C. at the latest, but it is not certain that they were actually present in Rome at this time. Duruy accepts their presence there, basing his conclusion on a passage from Valerius Maximus which speaks of an order of the Senate in the consulship of L. Aemilius Paulus to destroy the temples of Isis and Serapis. This text would of course be conclusive if the consul mentioned were positively identified, but there were three consuls of this name, and the passage of Valerius Maximus seems to allude rather to events of the following century. Cicero cites verses from Ennius in support of his general protest against all diviners of poor quality and low standards, but the quotation from the earlier writer apparently does not begin until after the phrase of Cicero dealing with "*Isiacos coniectores.*" [2] Lacking explicit proof, therefore, we can only conclude that while a temple to these deities may not have actually existed in Rome at this time, there was one by the following century, and that

[1] Plaut. *Cas.* 975, *et seq. cf.* Ennius, *Athamas*, Ribb. *Frag. Trag.* pp. 28-9.

[2] Lafaye, *Histoire du culte des divinités d'Alexandrie* (Paris, 1884), p. 40, *et seq., cf. C. I. L.* I. 577; Duruy, *History of Rome* (Boston, 1890), vol. ii, sec. i, p. 297, *cf.* Val. Max. I. 3. 3 who apparently alludes to events described by Dio Cass. XL. 47 (52 B. C.); Cic. *de Divin.* I. 58. 132; Sayous, *op. cit.*, p. 75.

in any case a number of Romans must have been acquainted with the cult.

In addition to the introduction of such foreign deities the traditional Roman religion was being undermined by the growth of skepticism. The philosophic teachings of the time contributed much to this movement, especially those of Carneades. Not only the doctrines of this man were in themselves of a character to do this, but what was of greater importance, his marked and lasting popularity at Rome and the large audiences who crowded to hear him, served to give those doctrines wide currency. The Romans themselves came to recognize the destructive effects of his teachings upon the old religion, and in the following century Cicero refers to him as follows: "*perturbatricem autem harum omnium rerum Academiam, hanc ab Arcesila et Carneade recentem, exoremus ut sileat; nam si inuaserit in haec, quae satis scite nobis instructa et composita uidentur, miseras edet ruinas.*" [1]

A conception of the skepticism he must have fostered in the minds of his hearers may be gained from a consideration of some of the points he expounded. First by showing that all the forms under which we think of God are impossible, he established that His existence cannot be asserted. He then attacked the polytheistic views by maintaining that if certain deities are accepted, other and quite ridiculous things must also be accepted as deities, reasoning for example that "if Zeus is a God, . . . his brother Poseidon must likewise be one, and if he is one, the rivers and streams must also be Gods. If Helios is a God, the appearance of Helios above the earth, or day, must be a God; and, consequently, month, year, morning, midday, evening, must all be Gods." Carneades also attacked divination. He proved

[1] Cic. *de Leg.* I. 13. 39.

that no peculiar range of subjects belonged to it, but that in all cases where professional judgment is possible, that of experts is superior to that of diviners. "To know accidental events beforehand," he claimed, "is impossible: it is useless to know those that are necessary and unavoidable, nay, more, it would even be harmful." He further maintained that no causal connection can be conceived between a prophecy and its realization, and when the Stoics pointed to fulfilled prophecies, replied that the coincidence was accidental, and that many such stories were doubtless false.[1]

Such ideas attacked the very foundations of religion and cult, and in addition the rhetorical and argumentative ability which enabled him to uphold the affirmative or negative of a proposition with equal strength was confusing to the practical Romans. When he spoke one day in highest praise, the next in biting criticism of justice, Cato, and doubtless many others like him, were bewildered.[2]

Panaetius, the representative of the Stoics, also fostered the spirit of unbelief. He seriously questioned the genuineness of the art of the soothsayers and the importance of such means of divining the will of the gods as oracles, dreams, and prophecies. Panaetius, however, did not carry his doctrines to the point of absolute negation.[3]

Not satisfied with the natural progress made by foreign philosophy in Rome, attempts were even made to give it an artificial impetus. In 181 B. C. workmen who were digging at the foot of the Ianiculum, found two stone chests with Greek and Latin inscriptions. One of these chests

[1] Zeller, *Stoics, Epicureans, and Sceptics* (London, New York, 1892), p. 546, *et seq.*

[2] Cic. *de Rep.* III. 6. 9.

[3] Cic. *Acad. pr. II.* 33. 107 *cf. de Divin.* I. 3. 6: "*nec tamen ausus est negare uim esse divinandi, sed dubitare se dixit*"; II. 42. 88: "*Panaetius qui unus e Stoicis astrologorum praedicta reiecit.*"

purported to contain the ashes of the ancient king, Numa Pompilius, and the other his library. The books were conveniently in Greek and in Latin in spite of the fact that the Romans of that distant time were not as yet familiar with the art of writing. The urban praetor read the works and finding them strongly Pythagorean in character, reported them to the Senate as dangerous. By formal decree they were therefore ordered to be publicly burned.[1] Although the effort to gain official sanction for their Pythagorean ideas had failed, the well-planned deception is an interesting evidence of their development.

That such philosophic teachings as those of Carneades found enthusiastic hearers, that the literary man, Ennius, who as the client of Marcus Fulvius Nobilior, represented more or less the opinions of his lord, translated a work like the *Sacred Inscription of Euhemerus*, that such a deliberate fraud as that just described should be even attempted, all these points show that there must have been people at Rome who were interested in and wanted such things. It is probable, however, that the movement was almost exclusively confined to the intellectuals, and that the masses still held, and were encouraged to hold, the old beliefs. In fact the very men who themselves questioned, who themselves realized like Publius Scipio the futility of dream-omens and the like, recognized the value of "instilling in the minds of the vulgar" an opinion that they were acting on some divine suggestion in forming their designs.[2]

Polybius gives us a good picture of the Roman attitude when he tells us that scrupulous fear of the gods, which is looked on in other nations as a reproach, is the thing that keeps the Roman commonwealth together. This is carried

[1] Liv. XL. 29. 3-14.

[2] Polyb. X. 2, 4, 5.

to such an extraordinary height in private and public business, he says, that nothing could exceed it. The object is to use it as a check upon the multitude. The author states in conclusion, however, that if it were possible to form a state wholly of philosophers, perhaps the custom would not be necessary.[1] This utilitarian attitude towards religion was not the view presented by the Stoics in general. It must reflect, therefore, the opinion of the prominent Romans with whom Polybius was in such close contact.

The importance which was attached to the taking of auspices and the interpretation of omens of course gave rise to great numbers of soothsayers and prophets of all kinds, and it is not surprising that the sensible practical citizen did not take seriously the more palpable frauds among them. To question the authenticity of the *haruspices* was hardly an evidence of irreverence. Cato himself, who openly wondered how one soothsayer could look at another without laughing,[2] is careful to prescribe in his *De re rustica* the most rigid observance of the traditional rites.

It was expected that the commander of an army should obey the auspices.[3] There were instances of open indifference, it is true. Flaminius when he was made consul in 217 B. C., did not take the regular auspices on the Capitoline nor make sacrifice to Jupiter Latialis on the Alban Mount, but went at once to join the army, and there is also the well-known incident of Publius Claudius Pulcher who threw the sacred pullets into the sea before the battle of Drepana.[4]

[1] Polyb. VI. 56.

[2] Cato *Mem. Dict.* 65, ed. Jord. p. 109: "*mirari se aiebat, quod non rideret haruspex, haruspicem cum uideret.*"

[3] *Cf.* Cato *Orat. reliq.* I. 15, ed. Jord. p. 35: "*postquam auspicaui atque exercitum adduxi pone* [*uersus*] *castra hostium.*"

[4] Liv. XXI. 63. 5, XXII. 1. 5-7; Polyb. I. 52 *cf.* Suet. *Tib.* 2. The defeat of both commanders strengthened the popular belief in the importance of the auspices.

Much the same sentiment is expressed by Fabius Maximus in the words: "*optimis auspiciis ea geri, quae pro reipublicae salute gerentur; quae contra rempublicam ferrentur, contra auspicia ferri.*" [1]

The general rule of strict outward conformity to religious laws, however, is illustrated in the story of Publius Scipio. Scipio, as one of the Salii (one of the three colleges of priests by whom the most important sacrifices to the gods were offered at Rome) was forbidden to leave for thirty days the spot in which the sacred season happened to find him. The time arrived just as the army was on the point of crossing the sea, and therefore, as we are told, Scipio was separated from the legions; they crossed and he remained in Europe, and "the army . . . could take no further step, because they were waiting for him." [2]

Sometimes religious restrictions might be evaded by some expedient. This was done in the case of C. Valerius Flaccus who, as flamen of Jupiter, was forbidden to take oath. He was designated as curule aedile, and therefore the Senate and people granted him permission to have a proxy, agreed upon by the consuls, swear in his place.[3]

The great mass of people still took care to observe carefully all the usages of the ancient faith. The comedies of Plautus, which Colin considers so markedly indicative of the irreligious spirit of the time,[4] on the contrary are full of evidence of the extent to which religion pervaded the daily life of the average citizen. The careful greeting of the household gods before setting out or on returning from

[1] Cic. *de Senect.* 4.

[2] Polyb. XXI. 13 *cf.* the strictness in religious observances remarked in Aemilius Paulus, Plut. *Aem. Paul.* 3, 6.

[3] Liv. XXXI. 50. 7, *et seq.*

[4] Colin, *Rome et la Grèce* (Paris, 1905), p. 343, *et seq.*

a journey,[1] the genuine sorrow with which the youth who is leaving his home forever, bids farewell to the gods of his family in the words: "*Di penates meum parentum, familiai Lar pater, vobis mando meum parentum rem bene ut tutemini. Ego mihi alios deos penatis persequar, alium Larem*," [2] the sacrifices to the Lares of lambs and swine, their worship with wreaths, flowers, and incense are apparently not mere formal rites, but spring from a fulness of belief in the gods and their power.[3]

One is especially impressed in the comedies by the superstitions which swayed the minds of the people. A religious significance was attached to the sill and lintel of the main door of the house, and to stumble or to graze one's head was an ill-omen.[4] For a strange black dog to enter the house was unlucky, and black in any case was a sign of bad fortune and vice versa.[5] Movements of various parts of the body, as the raising of the eyebrow or the itching of the shoulders, were prognostic.[6] Not only the evil eye but also the *mala manus* or evil hand was to be feared, "for whenever someone touches you with the evil hand, troubles begin." [7] A raven at the right or a woodpecker or a crow at the left was a good omen, but on the other hand to see a

[1] Plaut. *Mil. Glor.* 1339, *Bacc.* 170, *Stich.* 534 *cf.* Enn. *Ann. Lib. Inc.* CXLI. 620. ed. Vahl. p. 115: "*uosque lares tectum nostrum qui funditus curant*"; Ter. *Phorm.* 311.

[2] Plaut. *Merc.* 834-6.

[3] Plaut. *Rud.* 1206-8, *Trin.* 39, *Aul.* 23-5.

[4] Plaut. *Merc.* 830, *Cas.* 815-6 *cf.* Sextus Turpilius *Paraterusa* VI (4), Ribb. *Frag. Com.* p. 106; Novius *Maccus Exul* II (3), Ribb. *Frag. Com.* p. 262.

[5] Ter. *Phorm.* 706; Plaut. *Poen.* 969.

[6] Plaut. *Pseud.* 107, *Pers.* 32, *Asin.* 289.

[7] Plaut. *Curc.* 180, *Amph.* 605, *Pers.* 313.

raven at one's left portended evil.[1] To see a weasel kill a mouse was a very favorable sign.[2]

The belief in dreams as foretelling future events was very strong, and great significance was attached to the interpretation of them as messages from the gods.[3] Not only public auspices were taken, but at this time private auspices still existed and were often consulted before individual undertakings.[4]

In all of their relations with the gods the Romans were most precise. The gods were addressed according to set formulae;[5] specific phrases of good augury were used;[6] and in case the suppliant was in doubt as to the name of the god to whom he should make his request, he carefully stipulated "*quisquis es*" for fear of making a mistake and angering the divinity. So, for example, in Plautus a maiden prays: "*Quisquis est deu', ueneror ut nos ex hac aerumna eximat.*"[7] Vows to the gods were very business-like, and exact stipulation was made of what it was desired the god should do and of what was to be given him in return.[8]

[1] Plaut. *Asin.* 260, *Aul.* 624, *Epid.* 183-4.

[2] Plaut. *Stich.* 459-60.

[3] Plaut. *Curc.* 246-50, *Merc.* 225, *et seq.*, *Mil. Glor.* 380, *et seq.*, *Rud.* 593, *et seq.*, *cf.* Polyb. X. 4, 5.

[4] Cato *Orat. reliq.* XVIII. 1, ed. Jord. p. 47: "*domi cum auspicamus*" *cf.* Plaut. *Epid.* 183-4, *Pers.* 607, *Rud.* 717, *Asin.* 259.

[5] Cato *R. R.* CXXXIX, CXLI; Plaut. *Merc.* 830, *et seq.*, *Trin.* 820.

[6] Plaut. *Poen.* 16.

[7] Plaut. *Rud.* 257 *cf.* Cato *R. R.* CXXXIX.

[8] Liv. XXXVI. 2. 3-5 gives a notable illustration of this precision: "*id uotum in haec uerba praeeunte P. Licinio pontifice maximo consul nuncupauit: 'si duellum, quod cum rege Antiocho sumi populus iussit, id ex sententia senatus populique Romani confectum erit, tum tibi, Iuppiter, populus Romanus ludos magnos dies decem continuos faciet, donaque ad omnia puluinaria dabuntur de pecunia, quantam senatus decreuerit, quisquis magistratus eos ludos quando ubique faxit, hi ludi recte facti donaque data recte sunto.'*"

To consider more generally the religious tone of the comedies is profitable in gaining an insight into the mental attitude of the people who witnessed them. Colin objects that Jupiter is treated with levity in the *Pseudolus* (840-2), where a vainglorious cook proudly boasts that "when all my stew-pans are boiling, I uncover them each and every one. The smell flies straight up to heaven — why, on this smell Jupiter banquets daily!" Can a passage of this kind, however, which is not taken seriously even by the one who utters it, counteract the impression made by the prologue of the *Rudens,* which presents Jupiter with a majesty almost monotheistic?[1] The same idea of a watchful deity who rewards the good and punishes evil-doers is found in the *Captivi.*[2]

There are certain passages in Plautus which might be considered irreverent, as when Sosia in the *Amphitruo* suggests that the sun-god must have been drinking too much and fallen asleep, or when in the *Asinaria* a slave who is planning a theft, takes the auspices to see if they are favorable. Colin believes that such passages accustomed the people to ridicule the gods, but it is a question whether this conclusion is justified. In the first place the passages which he mentions are greatly outnumbered by passages which reveal unmistakably both reverence and respect. Then, too, the characters who utter the sentiments to which he refers (*Amph.* 282, *Pseud.* 840-2, *Pers.* 251 *et seq.*, *Asin.* 259, *Epid.* 183-4, *Trin.* 39 *et seq.*) are in nearly every instance

[1] Colin, *loc. cit. cf.* Plaut. *Rud.* 1, *et seq.*

[2] Plaut. *Capt.* 313-5:

"est profecto deu', qui quae nos gerimus auditque et uidet:
is, uti tu me hic habueris, proinde illum illic curauerit;
bene merenti bene profuerit, male merenti par erit."

Cf. Ennius *Ann. Lib. Inc.* CV. 580, ed. Vahl. p. 107: "*diuum hominumque pater rex*"; *ibid.* LXXI. 542, p. 99; *Thyestes* V. 345, ed. Vahl. p. 184.

slaves, who, as they were probably foreigners, did not express perhaps, and were not expected to express, the sentiments of a true Roman.

In the passage from the *Trinummus* a man, after a formal prayer to the gods for the protection of his house, closes with a wish that he might get rid of his wife. This, however, is hardly more than another instance of the oft-repeated railing against marriage which is found throughout the comedies. As to the effect of its being joined, as Colin points out, to the most solemn and official formula, it is possible that the Romans, who had definite formulae not only for prayer but for almost all legal and social dealings with each other, did not attach quite so much significance to a formula, and that its use in this way was not so repugnant even to the really pious.

Furthermore, admitting that the gods are in some cases alluded to lightly in the comedies, it must be remembered that the ancient conception of the gods was different from ours. The religious myths pictured the deities with more or less human passions and foibles, and therefore an allusion, for example, to Jupiter's enjoyment of the appetizing odors from an earthly banquet did not shock the Roman audience as it would a modern one.

Finally, in any case and at any time the presentations of the stage cannot be taken as representative of the moral and religious attitude of a community. They are inclined to be, if anything, below the standard. The stage, and especially the comic stage, aims to amuse or to appeal to a certain element; the actors voice sentiments in keeping with the characters which they portray, and we should not judge the Romans wholly by their comedies any more than we would wish some of the productions of the present day to serve as criterions of our own standards. A people whose theater expressed such sentiments as "*qui deorum consilia culpet*

stultus inscitusque sit," a people of whom Polybius tells us before the battle of Cannae that

all the oracles preserved at Rome were in everybody's mouth; and every temple and house was full of prodigies and miracles: in consequence of which the city was one scene of vows, sacrifices, supplicatory processions, and prayers. For the Romans . . . look upon no ceremony of that kind . . . as unbecoming or beneath their dignity,[1]

that people taken as a whole is not to be considered as harboring strongly irreligious or irreverent tendencies.

One point, however, which does suggest that the respect attached to religious functions was declining, is that we find in this period important offices given to mere youths. In 212 B. C. from the three candidates for the place of *pontifex maximus* P. Licinius, who was about to be candidate for the office of curule aedile, was chosen, although for one hundred and twenty years the rule had been observed with only one exception that no citizen was selected as *pontifex maximus* "*qui sella curuli non sedisset.*" A few years later, in 204 B. C., Ti. Sempronius was made an augur at a very early age, and the following year Q. Fabius Maximus became augur when he was still so young that when he died in 196 B. C. he had not yet filled any magistracy.[2]

As the games dedicated to the various deities or those given by private individuals in honor of the deceased were an integral part of the religion of the Romans, it is necessary before leaving the question of religion to give some slight account of the changes which were taking place in this sphere. Up to 169 B. C. the custom of bringing wild

[1] Plaut. *Mil. Glor.* 736; Polyb. III. 112.

[2] Liv. XXV. 5. 1-4; XXIX. 38. 7; XXX. 26. 10 *cf.* XXXIII. 42. 6: "*Q. Fabius Maximus augur mortuus est admodum adulescens, priusquam ullum magistratum caperet.*"

beasts together from a great number of countries was not yet in vogue, and the aim was rather to produce variety in the exhibitions.[1] In fact, the importation to Italy of ferocious animals from Africa had been formally prohibited by the Senate. This decree was abrogated, however, and in 168 B. C. in the aedileship of Scipio Nasica and P. Lentulus they presented sixty-three panthers and forty bears and elephants in the Circus.[2] From that time on the number continued to increase.

Not only the character of the entertainments was becoming more magnificent, but the number of festivals was increasing. Festivals which had formerly been held only occasionally were tending to become permanently fixed. In 202 B. C. the Cerialia were definitely established although they had originated long before; in 191 B. C. the Megalesia were instituted; and the Floralia, instituted in 238 B. C., were revived in 173 B. C.[3]

Greenidge in his consideration of this subject makes the statement that it "proved that the Roman was willing to bend his austere religion to purposes of gratification, when he could afford the luxury."[4] The funeral games naturally are not to be included without reserve in this category, as the splendor with which they were celebrated was looked on largely as a tribute of honor to the deceased. As to the

[1] Liv. XLIV. 9. 4: "*mos erat tum, nondum hac effusione inducta bestiis omnium gentium circum conplendi, uaria spectaculorum conquirere genera.*"

[2] Plin. *H. N.* VIII. 17 (24). 64: "*senatus consultum fuit uetus ne liceret Africanas in Italiam aduehere, contra hoc tulit ad populum Cn. Aufidius tribunus plebis, permisitque circensium gratia importare*"; Liv. XLIV. 18. 8.

[3] Cerialia: Liv. XXX. 39. 8; Megalesia: Liv. XXXVI. 36. 4; Graillot, *op. cit.* pp. 81-2 points out that these were the only games at Rome which bore an exotic name; Floralia: Plin. *H. N.* XVIII. 29 (69). 286 *cf.* Sayous, *op. cit.*, p. 69.

[4] Greenidge, *History of Rome* (New York, 1905), vol. i, p. 25.

public games their magnificence was in part a tribute to the god and in part a sanctioned and legitimate method of obtaining for the officials in charge the favor and support of the people. The growing extravagance of presentation, moreover, did not imply a correspondingly larger outlay on the part of the state as a whole. About the time of the first Punic War the rule had been established that the expenses of the public games were not to be met exclusively by the treasury, and it was only occasionally that the people themselves contributed.[1]

The change in the character of the games was in keeping with the changes seen in all phases of social and private life as an attendant result of the increase of riches and the desire for ostentation. As the wealthy were furnishing their homes more luxuriously, multiplying the number of their slaves and attendants, engaging in large commercial ventures and the like, so in their presentation of the games they inclined, as is to be expected, to greater pretentiousness without any thought of lowering the dignity of their religion in so doing.

[1] Dion. VII. 71; Plin. *H. N.* XXXIII. 10 (47). 138: "*populus Romanus spargere coepit Sp. Postumio Q. Marcio cos.; tanta abundantia pecunia erat, ut eam conferret L. Scipioni, ex qua is ludos fecit.*"

CHAPTER VIII

Morals and Character

Now that the principal phases of Roman social and private life have been considered and the extent to which each was affected by the influences of the time, it is interesting in conclusion to consider in the same way another topic which although less concrete is of great importance for a clear comprehension of Roman life as a whole. This topic is the Roman character as such. Any discussion of it naturally involves the question whether or not the close contact with Greek ideas induced corruption. It is not to be denied that there was a certain deterioration, but how lasting were its results and how far it was due to Greek influence are open to debate.

From the sources it is possible to gain a fair idea of the essential characteristics of the Roman of the time. Respect for the gods, respect for the great ancestors of his house, respect for his parents was an integral part of his life. His most striking trait, however, the one which pervaded all religious, social, and business intercourse, was his precise formality. The Roman was thoroughly business-like. His dealings with the gods were on a strict basis of give and take, and the comedies abound in specific formulae for practically every act of daily life — of emancipation, of politeness, of good augury, of leave-taking, of betrothal, of giving money, of concluding a bargain, and of taking oath.[1]

[1] Formula of politeness Plaut. *Epid.* 460-1: "*uolo te uerbis pauculis | si tibi molestum non est*"; of good augury *Poen.* 16: "*bonum factum*

The people of Plautus swear by the objects dear to them—so, for example, a cook swears by Lauerna, the goddess of thieves, "*ita me bene amet Lauerna*," and a parasite by "*sancta Saturitas*." [1] An oath was looked upon as sacred. Even a *meretrix* boasts that whatever the faults and vices of her class, no one can accuse them of breaking a *ius iurandum*, and words cannot be found to express the contempt and amazement felt for the man who did not keep his solemn oath.[2] A striking instance of the binding force of the oath occurred at the beginning of the second Punic War. Just as the soldiers were ready to embark, the news arrived of the entrance of Hannibal into Italy. The consul, realizing that his men could make their way more effectively as individuals than in the mass, called the soldiers together, administered the oath to them, and then dismissed them with orders to reassemble at Ariminum at a certain time. On the day appointed "his men met Tiberius at Ariminum, according to their oath." [3]

As has already been mentioned, the Romans were very precise in all money matters, both in purely commercial transactions and in their dealings with friends and relations. Scipio, who paid over a dowry before it was due in accordance with the sentiment that "close reckoning and legal exactness were for strangers," so astonished the recipients that although they were men "of as high character as any

esse"; of leave-taking Ter. *Eun.* 191: "*num quid uis aliud*"; of giving money Plaut. *Bacc.* 880-3: "*dabin? . . dabuntur*"; of concluding a bargain *Stich.* 565: "*fiat*"; of taking oath *Mil. Glor.* 501, *Capt.* 877, Ter. *Phorm.* 165: "*ita me ament . . .*"

[1] Plaut. *Aul.* 445, *Capt.* 877.

[2] Plaut. *Cist.* 495 *cf.* 500-3; Ter. *Ad.* 306, *et seq.*: "*quem neque fides neque ius iurandum neque illum misericordia | repressit neque reflexit . . . | . . . non intellego satis quae loquitur*"; for further instances of the binding force of the oath *cf.* Plaut. *Bacc.* 1025, *et seq.*, *Merc.* 420-2.

[3] Polyb. III. 61, 68.

at Rome," according to Polybius, "they returned home in silence, quite confounded at the magnanimity of Scipio." The author is careful to tell us, however, that Scipio cultivated lofty sentiments towards money and "a higher standard of disinterestedness than other people." [1]

As a rule, the Romans were honest. The frequently quoted passage of Polybius (VI. 56) contrasts the honesty of the Romans with the dishonesty of the Greeks, but his statements cannot be taken absolutely as a criterion in view of the differences in the innate character of the two peoples. The Greeks were apt to infer guilt without sufficient proof, whereas the Romans were not only less suspicious, but also found it much more difficult to convict an official. It is interesting to note, however, that the Romans themselves complacently regarded themselves as superior to the Greeks in honesty, and a synonym for complete absence of credit was "*Graeca fide mercari.*" [2] Polybius speaks especially of the high standards of the Romans in the period before the foreign wars, but he states his belief that the majority of men at Rome are still "capable of preserving their honesty," [3] and as notable examples gives Aemilius Paulus and Scipio Aemilianus.

The element of character which was regarded by the Romans as most important for public life was courage, and the penalty for desertion of one's post was death. In a few instances we hear of soldiers, and at Cannae even of a commanding officer, becoming panic-stricken in the face of new methods of fighting or of overwhelming odds, but such cases were in the minority. On the contrary, heroism was displayed again and again, and sometimes exaggerated to the point of recklessness. That the Romans of the Punic

[1] Polyb. XXXII. 12, 13.

[2] Plaut. *Asin.* 199.

[3] Polyb. XVIII. 35.

War period, moreover, whether soldiers or civilians, could be depended on for public spirit, is shown in their answer to the appeal for a fleet. At this time, as there was no money in the treasury to defray the expenses, private associations undertook the construction of two hundred quinqueremes, to be paid for when the Romans should be victorious.[1] The refusal of the Romans under any conditions to admit themselves vanquished, is signalized by Polybius as "a peculiarity . . . which they have inherited from their ancestors." [2]

It must not be imagined that every Roman was as ideal as the Scipios or Aemilius Paulus, the three men used almost exclusively by Polybius as illustrations. Even this writer, who speaks so highly of Roman integrity, himself gives instances to the contrary such as a victorious general induced by bribes to show leniency towards the conquered, or the Senate judiciously persuaded to espouse a questionable cause.[3]

Bribery on a smaller scale often found its way into the elections. The laws against it, in spite of the death penalty attached,[4] were more or less disregarded, and there was frequent necessity for new enactments. A law against *ambitus* (illegal canvassing) existed in the time of Plautus; another was proposed in 181 B. C., and still another several years later.[5] Plautus in the *Trinummus* comments on existing conditions in the words: "*ambitio iam more sanctast, liberast a legibus.*" [6]

[1] Polyb. XXXII. 15; I. 17; I. 39, *et seq.*, 53, III. 84-6, 116; heroism *cf.* I. 37, III. 75, X. 32, *et seq.*; fleet I. 59.

[2] Polyb. XXVII. 8 *cf.* XXIV. 12.

[3] Polyb. III. 96, II. 31, XXXIII. 15-8.

[4] Polyb. VI. 56.

[5] Plaut. *Amph.* 71; Liv. XL. 19. 11, *Ep.* XLVII.

[6] Plaut. *Trin.* 1033.

The fondness of the Romans for money contributed especially to weaken their moral resistance to opportunities for pecuniary gain, even when those opportunities were not strictly legal. This fact is evidenced not only in the matter of bribery but in other matters as well. To cheat the state apparently did not greatly trouble their conscience. The evasion of the law by the financiers in their exaction of usurious interest has already been mentioned, and sometimes powerful speculators went still further. Livy gives us a striking illustration of this: as the state assumed any risk of loss in contracts for army supplies, the scheme was not unknown of loading a ship with a more or less worthless cargo, deliberately sinking it in mid-sea, and then collecting a large sum for the loss of the supposedly valuable commodities on board. This practice of false shipwreck, however, does not imply a callousness on the part of the perpetrators as to the possible loss of life, for the sailors were taken off in boats prepared for the purpose.[1] To defraud the state on such a large scale could not, of course, be a very widespread practice, but the principle extended to smaller things. For example, there were many highly reputable Romans who did not scruple to divert the public water to their own private use.[2]

It was inevitable that the rapid and enormous influx of wealth into Rome from her foreign conquests should disturb the social and moral equilibrium. Polybius recognizes this condition, and says that when a commonwealth, after warding off great dangers, has reached a high point of prosperity and undisputed power, by the lengthened continuance of great wealth in it the manner of life of its citizens

[1] Liv. XXV. 3. 10, 11.

[2] Liv. XXXIX. 44. 4. This practise among the Romans may be paralleled to some extent by the attitude of many citizens of to-day towards certain public service corporations.

will become more extravagant, and rivalry for office and in other spheres of activity will become too strenuous.[1] This was precisely the case in Rome. As early as 200 B. C., according to Livy, the people were wearied by the length and severity of the war against Hannibal, and disgusted with toils and dangers,[2] and after the battle of Pydna had definitely established their power, the Romans might well be expected to seek relaxation.

For a time this was doubtless carried to extremes. Plautus is not without reason in saying: "*nam nunc lenonum et scortorum plus est fere quam olim muscarum est quom caletur maxume*," and Polybius paints in vivid colors a picture of the average Roman youth wasting himself "on favorite youths, . . . on mistresses, on banquets enlivened with poetry and wine, and all the extravagant expenditure they entailed." [3] Scipio, an exception to the general rule, refuses a beautiful maiden who is offered to him, but even he admits that such interests, out of place in times of activity, are most agreeable and permissible in times of relaxation. Much the same thought, expressed as it is in the comedies, doubtless influenced many a young Roman.[4]

In any case a strong current of reaction soon set in. Practical measures were taken to stem the tide of extravagance. In 182 B. C. the *lex Orchia* was passed limiting the number of guests, and twenty years later the *lex Fannia* limited the expenditures permissible for such purposes.[5] The center of the resistance was Cato, who inveighed so

[1] Polyb. VI. 57.

[2] Liv. XXXI. 6. 3, 4: "*id cum fessi diuturnitate et grauitate belli sua sponte homines taedio periculorum laborumque fecerant.*"

[3] Plaut. *Truc.* 64-5; *Polyb.* XXXII. 11.

[4] Polyb. X. 19 *cf.* Plaut. *Bacc.* 416, *et seq.*; Ter. *Ad.* 101, *et seq.*

[5] Macrob. *Sat.* III. 17. *cf.* Cato *Orat. reliq.* XXVII. 4, ed. Jord. p. 53.

fruitlessly against the repeal of the Oppian law,[1] but other eminent Romans were equally strict. As examples, Q. Fabius Maximus, who reproached Scipio for his fondness for things Greek, L. Valerius Flaccus, the colleague of Cato in the censorship, Tiberius Gracchus, the father of the famous tribunes, may be mentioned. The last-named, in fact, gained such a reputation for severity, that when he was censor, the citizens put out their lights so that they might not be surprised prolonging their banquets and parties until too late an hour.[2]

Furthermore, these eminent men were not alone in the stand they took, but were backed in their efforts by popular sentiment. The attitude of the people is clearly shown by the fact that they voted to Cato in witness of their approval of his actions a statue in the temple of Hygeia.[3] Whatever the force attained by the tide of extravagant luxury, therefore, it is evident that the Romans as a whole were not overwhelmed by it nor oblivious to the dangers it presented. In every class were men who saw the consequences it might entail. Ennius, the client of the eminent M. Fulvius Nobilior, reflects in his *Annals* the principles of Cato in the words, "*moribus antiquis res stat romana uirisque*," and Plautus, the spokesman of the masses, notwithstanding the fact that his plays are generally taken as indisputable evidence of the moral looseness of the time, also sighs for the "*mores bonos*."[4]

As to the "injurious" effects of Hellenism, it must be remembered that the contact of Rome with Greek civiliza-

[1] Liv. XXXIV. 2-4.

[2] Liv. XXIX. 19; XXXIX. 41. 1: "*illo uno collega castigare se noua flagitia et priscos reuocare mores posse*"; Plut. *Tib. Gracc.* 14.

[3] Plut. *Cat. maj.* 19.

[4] Ennius *Ann. Lib. Inc.* XXXVII, ed. Vahl. p. 91; Plaut. *Trin.* 28: "*nam hic nimium morbus mores inuasit bonos.*"

tion can in no way be dated from this period. From earliest times Rome had been in touch with the Greek cities of South Italy, and had derived much of her culture from them. Whether or not the introduction on a large scale of Greek educational and philosophic ideas in this period had a harmful effect cannot be considered absolutely. It depended entirely upon the character of the individual. In some cases, of course, the admiration for Greek learning was carried so far that it was ridiculous, as in Aulus Postumius Albinus. Unable to discriminate, as we are told, he imitated all the worst points in Greek fashions, and attempting a poem and formal history in that tongue, apologized if he did not have a complete command of Greek idiom and method.[1]

Even the most eminent and admirable men of the time, however, were interested in such things. Cato himself studied under a Pythagorean philosopher, spoke Greek readily, and approved of a reasonable familiarity with Greek literature;[2] Aemilius Paulus and Tiberius Gracchus both gave Greek philosophers a share in the education of their children; Flamininus spoke Greek and set up a statue to himself in Rome with a Greek inscription;[3] Scipio was notably fond of things Greek.[4] Moreover, as has already been pointed out, the influence of Greek philosophic ideas, harmful or otherwise, was largely limited to the intellectuals. The people as a whole cared little for philosophy, and refused to take it seriously.[5]

[1] Polyb. XXXIX. 12 *cf. A. Postumii Albini Graeci Annales* I, Peter, *Hist. Rom. Reliq.*, vol. i, p. 53.

[2] Plut. *Cat. maj.* 2, 12; Cato *Libri ad Marcum Filium* I, ed. Jord. p. 77: "*bonum sit illorum litteras inspicere, non perdiscere.*"

[3] Plut. *Flamin.* 1, 6.

[4] Liv. XXIX. 19.

[5] Plaut. *Pseud.* 974: "*saluos sum, iam philosophatur*"; *Capt.* 284: "*salua res est, philosophatur quoque iam, non mendax modo est,*" *Merc.* 145-7 *cf.* Ter. *And.* 55-7.

The difference between the tastes of the two nations was too great for Greek culture to have a very great attraction for the masses. The humor of the Romans was broader and cruder than that of the Greeks, and we are told that the comic poets in their adaptations of the Greek plays "*facetiis atque luminibus obsolescunt.*" An example of this is seen in the *Plocium* of Caecilius, where he introduces a coarse jest not found in the original piece.[1] For purely Greek spectacles the populace had little appreciation. On one occasion the most famous artists were imported from Greece for the triumphal games, but the attention of the audience could not be held by their musical skill alone, and in order to win favor they had to enliven their performance with a sham boxing-match.[2]

The average Roman viewed Greek ideas and habits with distrust. Probably many a Roman, sighing like Lycon in the *Bacchides* of Plautus,[3] for the good old days, lamented the change in the system of education, and failed to appreciate the advantages of the broader cultural training it implied. In the common speech of the day, "to live a Greek life," *pergraccari*, was synonymous with reprehensible luxury and license.[4] The attitude of the majority of Romans towards the Greeks was very similar perhaps to that of many estimable people of the present day towards New York. To them the name "New York" conveys immediately the suggestion of prodigality that "*pergraccari*" did to the conservative Roman, and just as we are ready to recognize this modern attitude as unduly emphasizing a

[1] Aul. Gell. II. 23 *cf.* Caecil. Stat. *Plocium* II (2), Ribb. *Frag. Com.* p. 63: "*dat ieiuna anima. nil peccat de sauio:* | *ut deuomas uolt quod foris potaueris*" *cf.* Plaut. *Merc.* 574.

[2] Polyb. XXX. 14.

[3] Plaut. *Bacc.* 419, *et seq.*

[4] Plaut. *Truc.* 88, *Most.* 22, *Bacc.* 743.

single point of unfavorable criticism without making proper allowance for individual tendencies, so we must in the case of the ancient. Scipio, and later the two Gracchi, as conspicuous products of the new training and intimately associated in their youth with Greek philosophers, effectively dispel the belief that the ideas being introduced into education from contact with Greece, were in themselves harmful. The choice made by the Romans from the world of Greek art, culture, and luxury thus opened to them, rested entirely with the Romans themselves. In proportion as the civilized man is superior to the barbarian, the Romans were not corrupted but improved by their contact with Hellenism.

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Social and private life at Rome in the time of Plautus and Terence

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